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DATE: November 2, 2000

TO: Coastal Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Steven F. Scholl, Deputy Director
Chris Kern, North Central Supervisor

SUBJECT: **SONOMA COUNTY LCP AMENDMENT NO. 2-99 (Major)** (For public hearing and Commission action on November 15, 2000 in Los Angeles)

Executive Summary

This amendment includes proposed changes to the Coastal Plan, the Implementation Program (consisting of the Coastal Zoning Ordinance and the Coastal Administrative Manual), and associated maps. Altogether, these components comprise the Sonoma County Local Coastal Program. The staff recommends denial of the Coastal Plan amendment as submitted, followed by approval of the amendment with suggested modifications. Similarly, the staff recommends denial of the Implementation Program amendments, followed by approval with suggested modifications.

The issues raised by the proposed amendments are summarized in two charts, included in this report as Table 1 (Coastal Plan) and Table 2 (Implementation Program). Each table is followed by a list of the modifications that are recommended by staff.

Issues raised by the Coastal Plan include the provision of affordable housing, protection of coastal agriculture, protection of visual resources, and various technical issues involving the relationship of the Coastal Plan to the General Plan. With the modifications suggested by staff, the revised Coastal Plan would be fully consistent with the policies of Chapter 3 of the Coastal Act.

Issues raised by the Implementation Program include the allowable density of residential development on agricultural parcels, affordable housing, whether golf courses, campgrounds, or guest ranches and inns should be allowed on certain agricultural lands, the definition of “the principal permitted use”, the protection of coastal water quality, and various issues involving the relationship of the Coastal Zoning Ordinance to the General Plan. With the modifications suggested by staff, the revised Coastal Zoning Ordinance and Coastal Administrative Manual would be fully consistent with, and adequate to carry out, the policies of the Coastal Plan.

Background

On September 23, 1999 the Commission received an LCP amendment submittal from Sonoma County. This amendment, which was given the number 2-99, is intended to bring the County's Coastal Plan (LCP) and County General Plan into consistency. The Executive Director determined that LCP amendment submittal #2-99 was in proper order and legally adequate to comply with the requirements of Section 30510(b) of the California Coastal Act.

Because LCP Amendment No. 2-99 involves numerous proposed changes to the map and text of the County's certified Land Use Plan and similar changes to the certified Coastal Zoning Ordinance and Administrative Manual and because of the press of other work, staff was not able to prepare a staff recommendation for Commission action within 90 days of the filing of this amendment. Consequently, on December 10, 1999 the Commission extended the 90-day time limit for action for up to one year.

Summary Description of the Proposed Amendment

As submitted, Sonoma County's LCP Amendment No. 2-99 (Major) includes:

1. Revisions to the Coastal Plan, primarily proposed for the purpose of bringing it into conformity with the County General Plan. (The Coastal Plan is a self-contained plan, rather than an element in the County's General Plan.) Included in the revisions are numerous minor corrections contained in policies and text throughout the Plan, along with major additions to the Design Review guidelines and to the Housing section. The County does not propose to change the basic format and organization of the LUP, nor does the County propose changing the substance of most of the land use policies contained in the plan.

2. A revised Land Use Map containing a modest number of proposed changes and corrections. Where there is a conflict between the General Plan and the existing Coastal Plan, the County used the actual existing land use as a guide and then amended either the General Plan or the Coastal Plan as appropriate.

3. Revision of the Coastal Zoning Ordinance to implement the Land Use Plan. The proposed revised Zoning Ordinance would be entirely new in format, in order to be consistent with the format of the Countywide Zoning Ordinance that is currently in effect for all areas outside the Coastal Zone. The County proposes to change the titles of many of the zoning districts for the coastal zone, in order to match the titles of zoning districts in the Countywide Ordinance and the General Plan. In most cases, the County does not propose changes in allowable uses in the various districts. A few changes proposed by the County do raise issues, as discussed in this report.

4. Revision of the Coastal Zoning Map. The retitled zoning districts are displayed on a set of Assessor's Parcel Maps, showing each parcel in the coastal zone.

5. Revision of the Coastal Administrative Manual, which is a part of the certified LCP. The proposed revisions are intended to clarify the text and to update various forms.

The County's LCP submittal states that the County did not intend the revisions to constitute a comprehensive review and update of all Coastal Plan and Coastal Zoning Ordinance policies. Thus, the County did not provide updated language for background text in the plan, some of which contains descriptions of land ownership or other factors that are now outdated. Instead, the revision is intended to bring the Coastal Plan into full conformance with the County-wide General Plan and to incorporate into the LUP various changes that have been approved by the Board of Supervisors in recent years but not submitted to the Coastal Commission for review and approval.

Additional Information

For additional information, contact Chris Kern or Steve Scholl at 415-904-5260.

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PART I: INTRODUCTION

A. Standard of Review for the Land Use Plan

The Coastal Act provides:

> *The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30512(c)*

The standard of review that the Commission uses in reviewing the adequacy of the land use plan is whether the land use plan is consistent with the policies of Chapter 3 of the Coastal Act.

B. Standard of Review for the Implementation Program

The Coastal Act provides:

> *The local government shall submit to the commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions which are required pursuant to this chapter…*
>
> *The commission may only reject ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.*
>
> *The commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the commission shall be deemed approved upon confirmation by the executive director. The local government may elect to meet the commission's rejection in a manner other than as suggested by the commission and may then resubmit its revised zoning ordinances, zoning district maps, and other implementing actions to the commission… (Sec. 30513)*

The standard of review that the Commission uses in reviewing the adequacy of zoning and other implementing measures is whether the implementing measures are consistent with and adequate to carry out the land use plan.

PART II: STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE COASTAL PLAN

MOTION I: *I move that the Commission certify Amendment No. 2-99 to the Sonoma County Land Use Plan as submitted by the County.*

STAFF RECOMMENDATION TO DENY CERTIFICATION OF THE LAND USE PLAN AS SUBMITTED

Staff recommends a NO vote. The motion passes only by an affirmative vote of a majority of the appointed members of the Commission.

RESOLUTION TO DENY CERTIFICATION OF THE LAND USE PLAN AS SUBMITTED

The Commission hereby denies certification for Amendment No. 2-99 to the Sonoma County Land Use Plan for the specific reasons discussed below in the findings on the grounds that, as submitted, it does not meet the requirements of and is not in conformity with Chapter 3 of the Coastal Act.

MOTION II: *I move that the Commission certify Amendment No. 2-99 to the Sonoma County Land Use Plan as submitted by the County, if it is modified as suggested in this staff report.*

Staff recommends a YES vote. The motion passes only by an affirmative vote of a majority of the appointed members of the Commission.

RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS

The Commission hereby certifies Amendment No. 2-99 to the Sonoma County Land Use Plan, if modified as suggested, for the reasons discussed in the findings below on the grounds that, as modified, the Land Use Plan as amended meets the requirements of Chapter 3 of the Coastal Act. This amendment, as modified, is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

Table 1: Summary of Issues Raised by Proposed Amendments to the Coastal Plan

Issue Summary	Location of Coastal Plan Section	Staff Recommended Change	# of Suggested Modification
Issue #1: Affordable housing policies in the proposed Coastal Plan require clarification in order to be consistent with Government Code Section 65915	"Incentives", pp. 128-129	Add text to the Coastal Plan that would conform the housing incentive provisions with the requirements of the Government Code	Mod #1
	Housing Recommendation #7, p. 139	Add reference to Coastal Plan	Mod #2
	Definitions of "Density Bonus", p. 125	Add reference to Coastal Plan	Mod #3
	Definition of "Second Unit Zoning", p. 130	Add reference to Coastal Plan	Mod #4
Issue #2: Agriculture policies refer to the "Right To Farm" ordinance, which is not part of the LCP	Chp. IV. Resources: Land Use Recommendation #4, p. 53	Delete reference to "Right to Farm" ordinance	Mod #5
Issue #3: Coastal Plan refers to Commission's "Statewide Interpretive Guidelines", which are subject to change or repeal	Geologic Hazards Recommendation #2, p. 37	Delete reference to "Statewide Interpretive Guidelines" but retain the same text as part of the Coastal Administrative Manual	Mod #6

Issue #4: An 11-acre portion of a 55-acre non-waterfront parcel near Bodega Bay is proposed to be redesignated from "Agriculture" to "Fishing Commercial", and several oceanfront parcels developed for recreational use near Timber Cove are proposed to be redesignated from "Recreation" to "Agriculture", inconsistent with current use	Land Use Plan Map, APN 100-220-029 (no. of Bodega Bay)	Redesignate parcel as "Agriculture" rather than "Commercial Fishing" on Land Use Plan map, and change zoning map accordingly	Mod #7
	Land Use Plan Map, APN 109-080-002, 003 (so. of Timber Cove)	Redesignate parcels as "Recreation" rather than "Agriculture", and change zoning map accordingly	Mod #8
Issue #5: The revised Coastal Plan would apply General Plan requirements, where these are more restrictive than Coastal Plan requirements, although the Commission has not reviewed the General Plan	Environmental Resources Management Recommendations, pp. 28-29.	Where General Plan is asserted, ensure that development meets Coastal Plan standards	Mod #9
	Visual Resources Recommendation #3, p. 173	Where General Plan is asserted, ensure that development meets Coastal Plan standards	Mod #10
Issue #6: The revised Coastal Plan could potentially be contrary to the Coastal Act regarding offshore energy development	Environmental Resources Management Recommendation #74, p. 33	Revise the Recommendation to be consistent with Section 30260 of the Coastal Act	Mod #11

Issue #7: The revised Coastal Plan would allow vegetative screening (trees, shrubs) to protect views from scenic corridors, when other methods would provide better long-term view protection	Visual Resources Recommendation #20, pp. 175-177	Add policy to use vegetative screening only as a last resort, to protect views from scenic corridors	Mod #12
Issue #8: Coastal Plan would require voter approval of Plan amendments for onshore facilities to support offshore oil and gas exploration, whereas the Coastal Act provides for Coastal Commission approval of such amendments	OCS Recommendation #37, p. 198	Add provision for Coastal Commission approval of LCP amendments related to energy facilities	Mod #13
Issue #9: Certain General Plan policies are cited in the Coastal Zoning Ordinance, but not contained in the Coastal Plan	See Part VII.B.2. below regarding proposed amendments to the Coastal Zoning Ordinance that refer, in turn, to General Plan policies	Add the General Plan policies cited in the Coastal Zoning Ordinance to the Coastal Plan	Mod #14
Issue #10: The Sea Ranch Association proposes changes to the Coastal Plan to reflect current conditions and to reduce allowable development on the "transfer" site	pp. 22, 169, 185-189, 195-196 of the Coastal Plan (see Attachment #6 for text of changes proposed by the Sea Ranch Association)	Staff does not recommend adding the changes as proposed by the Sea Ranch Association	No modification suggested

PART III: SUGGESTED MODIFICATIONS TO THE COASTAL PLAN

Note: the Commission suggests adding to the Coastal Plan the text that is underlined and deleting the text with ~~strikethrough~~.

Modification #1

The text of the Coastal Plan on p. 128, under the heading "Incentives", shall be revised as follows:

~~The housing opportunity areas are classified into two types: Type A may allow up to 30 units per acre in medium and high density zoned areas, Type C would allow increases in low density residential zoning to a maximum of 11 units per acre. These policies are stated below in Housing Element Policy HE-2g:~~

~~HE-2g: Provide for two types of Housing Opportunity Areas in addition to, and not in lieu of provisions of state and federal law, as follows:~~

~~Type "A" Housing Opportunity Areas are established in all Urban Residential 6-12 dwelling units per acre, and all Urban Residential 12-20 dwelling units per acre areas depicted on the general plan Land Use Maps. The residential density for a Type A project may be increased 100 percent above the mapped designation, to a maximum of 24 dwelling units per acre for parcels located in Urban Residential 6-12 dwelling units per acre, and up to 30 dwelling units per acre for parcels in Urban Residential 12-20 dwelling units per acre.~~

~~Type "C"~~ Housing Opportunity Areas are established in ~~"Urban Residential 4-6 dwelling units per acre"~~ Medium Density Residential 5-8 dwelling units per acre areas. The maximum residential density ~~for a Type C project~~ is 11 dwelling units per acre.

(a) This is an incentive program that allows developers of any one of the types of residential projects described in Government Code Section 65915(b), and which complies with all standards set forth in Government Code Section 65915, to build no more than 25 percent more units than a property's zoning would ordinarily allow. In exchange for this density bonus, the owners must make the units affordable for 30 years if an incentive is utilized in addition to a density bonus specified in Government Code Section 65915(b) or for 10 years if a second incentive is not utilized.

(b) In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan. In the Coastal Zone, the otherwise maximum allowable residential density shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the coastal zoning ordinances and land use element certified by the Coastal Commission. The

density bonus shall be applicable to housing development consisting of five or more units.

(c) In the coastal zone, any housing development approved pursuant to Government Code Section 65915 shall be consistent, to the maximum extent feasible and in a manner most protective of coastal resources, with all otherwise applicable certified local coastal program policies and development standards. If the County approves development with a density bonus, the County must find that the development, if it had been proposed without the 25 percent density increase, would have been fully consistent with the policies and development standards of the certified local coastal program. If the County determines that the means of accommodating the density increase proposed by the applicant do not have an adverse effect on coastal resources, the County shall require that the density increase be accommodated by those means. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a 25 percent density increase, the County shall identify all feasible means of accommodating the 25 percent density increase and consider the effects of such means on coastal resources. The County shall require implementation of the means that are most protective of significant coastal resources.

(d) The County may prepare an LCP amendment for certification by the Commission for specific areas or subregions within the planning area where density bonuses in excess of 25 percent may be permitted based on a finding that no adverse impacts on coastal resources would result.

(e) In addition to a 25 percent density bonus, a qualifying housing development shall receive one of the incentives identified in Government Code Section 65915(h), unless it is found that the additional incentive is not required in order to provide for affordable housing costs or rents. If the County determines that the additional development incentive requested by an applicant pursuant to this section will not have any adverse effects on coastal resources, the County may grant the requested incentive. If the County determines that the requested incentive will have an adverse effect on coastal resources, the County shall consider all feasible alternative incentives and the effects of such incentives on coastal resources. The County may grant one or more of those incentives that do not have an adverse effect on coastal resources. If all feasible incentives would have an adverse effect on coastal resources, the City shall grant only that additional incentive which is most protective of significant coastal resources.

(f) For the purposes of this section, “coastal resources” means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 *et seq.*, including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

~~A Housing Opportunity Type "A" project shall reserve a minimum of 40 percent of all units for rent or sale to low or very low-income households.~~ A Housing Opportunity ~~Type C~~ project approved pursuant to Government Code Section 65915 shall reserve a minimum of 20 percent of all units for rent or sale to ~~low or~~

~~very-low~~ lower income households~~, and the remaining units shall be reserved for sale to low or moderate income households~~, or at least 10 percent of the total units shall be for very low income households, or at least 50% of the total dwelling units shall be for senior residents.

~~Type A and Type C~~ Housing Opportunity projects shall comply with all applicable provisions of Chapters 26 and 26C of the Sonoma County Code, including development standards and long-term affordability requirements.

A housing opportunity project approved pursuant to Government Code Section 65915 shall make the units affordable for 30 years if an incentive is utilized in addition to a density bonus specified in Government Code Section 65915 (b) or for 10 years if a second incentive is not utilized.

The Housing Opportunity ~~Type A and Type C~~ programs shall apply to housing developments consisting of five or more dwelling units.

Modification #2

Housing Recommendation #7 on p. 139 shall be revised as follows:

Provide density bonuses and housing opportunities for housing projects which meet the minimum criteria established in General Plan Housing Element Policy HE-2g, and HE-1c, both as modified by the Coastal Plan, and Coastal Plan Housing "Incentives" section.

Modification #3

The definition of Density Bonus on p. 125 of the Coastal Plan shall be revised as follows:

Density Bonus means a density increase of at least 25 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan, specific plan, or area plan. In the coastal zone, the otherwise maximum allowable residential density shall mean the maximum density determined by applying all site-specific environmental constraints applicable under the Coastal Plan and Coastal Zoning Ordinance certified by the Coastal Commission.

Modification #4

The text of the Coastal Plan entitled "Second Unit Zoning" found on p. 130 shall be revised as follows:

Second Unit Zoning. Zoning which will allow second residential units will be provided in some portions of the Coastal Zone, primarily Bodega Bay and the rural areas. One way to increase rental housing opportunities while preserving community character is to allow second smaller units on single-family lots large

enough to accommodate the additional use. This will be implemented by allowing second units in specified zoning districts on lots that are a minimum of 2 acres without public sewer and water, and lots of at least 6,000 square feet in size within an urban service boundary that are served by both public sewer and water. A second unit would be subject to a zoning or use permit and coastal permit, depending on location. Approval would be dependent upon conformance to the standards and policies contained in the Coastal Plan and zoning ordinance.

Modification #5

Chapter IV. Resources - Land Use Recommendation #4 (p. 53) shall be revised as follows:

Establish resource compatibility and continued productivity as primary considerations in parcel design and development siting. Implement General Plan ~~Policies~~ Policy AR-4c ~~and AR-4d~~ to establish Agricultural setbacks ~~and apply the provisions of the 'Right to Farm' ordinance~~.

ARC-4c: Protect agricultural operations by establishing a buffer between the agricultural land use and the residential use at the urban fringe adjacent to an agricultural land use category. Buffers shall generally be defined as a physical separation of 100' to 200' and/or may be a topographic feature, a substantial tree stand, water course or similar feature. In some circumstances a landscaped berm may provide the buffer. The buffer shall occur on the parcel for which a permit is sought and shall favor protection of the maximum amount of farmable land.

~~**ARC-4d:** Apply the provisions of the "Right to Farm" Ordinance to all lands designated within agricultural land use categories.~~

Modification #6

Geologic Hazards Recommendation/Policy #2 (Coastal Plan, p. 37) shall be revised as follows:

Prohibit development within 100 feet of a bluff edge or within any area designated unstable to marginally stable on Hazards maps unless a registered engineering geologist reviews and approves all grading, site preparation, drainage, leachfield and foundation plans of any proposed building and determines there will be no significant impacts. The engineering geologist report shall contain, at a minimum, the information specified in the ~~Coastal Commission's **Statewide Interpretive Guidelines concerning Geologic Stability of Blufftop Development (May 5, 1977),** contained in the~~ Coastal Administrative Manual**.**

Modification #7

The Land Use Plan Map shall be modified to designate all of Assessor's Parcel Number 100-220-029 located north of Bodega Bay and east of Highway 1 as "Agriculture" rather than partly "Fishing Commercial". The Zoning map shall be modified to designate all of the property as "LEA – Land Extensive Agriculture".

Modification #8

The Land Use Plan Map shall be modified to designate Assessor's Parcel Number 109-080-002 and 003 as "Recreation" rather than "Agriculture". The Zoning map shall be modified to designate the property as "RRD – Resources and Rural Development".

Modification #9

The note concerning application of General Plan standards and policies found in the Coastal Plan's "Environmental Resources Management Recommendations" on pp. 28-29 of the plan shall be changed to read:

> Note – where General Plan standards and policies are more restrictive than the following, development shall comply with the General Plan or Coastal Plan policies, whichever are more restrictive, provided that no development shall be approved which does not comply with Coastal Plan policies".

Modification #10

The note concerning application of General Plan standards and policies found in Visual Resources Recommendation #3 on p. 173 of the Coastal Plan shall be changed to read:

> Note – where General Plan standards and policies are more restrictive than the following, development shall comply with the General Plan or Coastal Plan policies, whichever are more restrictive, provided that no development shall be approved which does not comply with Coastal Plan policies".

Modification #11

Environmental Resources Management Recommendation #74 on p. 33 shall be revised as follows:

> Kelp
>
> 74. To the extent consistent with all applicable provisions of law, including but not limited to Section 30260 of the Coastal Act, ~~E~~encourage the appropriate State and Federal jurisdictions to:

Monitor the size and habitat viability of kelp beds and their associated fisheries resources,

Monitor and regulate activities such as sewage disposal, dredging, and renewable energy development which may adversely affect near shore marine water quality and thus kelp resources. Prohibit petroleum and other forms of energy development which may significantly impact the environment through normal operations or accidents (oil spills, well blowouts, etc.)

Modification #12

Visual Resources Recommendation #20 regarding design review (p. 175) shall be amended to replace item #1.b) in sections entitled "Cliffs and Bluffs Location", "Inland Valley Location", and Hillside/Grassland Location" with the following items #1.b) and c):

b) if possible, structures shall be screened by using alternative siting or existing landforms,

~~b)~~ c) when no other measures to screen development from scenic corridor routes are feasible, a landscape design is developed that relies upon native tree and shrub species to: (1) screen the structure but not grow to block ocean or coastline views, (2) integrate the man-made and natural environments and, (3) effectively screen structures from the scenic corridor route within 5 years.

Modification #13

Outer Continental Shelf Recommendation #37 (p. 198) shall be revised as follows:

Recommendation 37. Require a Coastal Plan Amendment for any proposed on-shore facility to support off-shore oil and gas exploration of development. Any such amendment shall not be effective until a majority of the electors in Sonoma County, in a general or special election, approve the proposed amendment, unless such amendment is approved by the Commission pursuant to Section 30515 of the Coastal Act.

Modification #14

The following General Plan goals, objectives, and policies shall be added to the Coastal Plan, to be applied to the review of coastal development permit applications:

Land Use Element:	Sec. 2.3.1, Sec. 2.3.2, Sec. 2.3.3, Sec. 2.3.4 Pol LU-6e, Pol LU-6f
Housing Element:	HE Sec. 3.1, HE Sec. 3.1.1 Pol HE-2b, Pol HE-2q, Pol HE-3l, Pol HE-4p

Agricultural Resources:	Goal AR-3 Objective AR-3.1, Objective AR-3.2 Pol AR-3b, Pol AR-3c, Pol AR-3e
	Goal AR-4 Objective AR-4.1 Pol AR-4a, Pol AR-5c, Pol AR-5d, Pol AR-5e, Pol AR-5f, Pol AR-6d, Pol AR-6e, Pol AR-6g, Pol AR-8c, Pol PF-2q, Pol PF-2r, Pol PF-2s

PART IV. FINDINGS AND DECLARATIONS REGARDING PROPOSED AMENDMENTS TO THE COASTAL PLAN

The Commission hereby finds and declares as follows:

A. Description of the Proposed Amendments to the Land Use Plan

The Sonoma County Coastal Plan, which serves as the County's Local Coastal Program Land Use Plan, includes the following sections:

Historic Resources
Environment
Resources
Recreation
Harbor
Development (including Housing, Public Services, Transportation, Visual Resources, and Land Use).

Each section of the Coastal Plan, both existing and revised, contains background text, followed by a set of "Recommendations." Although not called “Policies”, the Recommendations are recognized by the County and the Commission to constitute the land use guidance that is at the heart of the Land Use Plan. That is, the text of the Recommendations shapes the location and intensity of new development in the Sonoma County coastal zone. (As noted below in Section IV.B.2., the County proposes as part of these Coastal Plan revisions to clarify the status of the “Recommendations” as policies.)

Furthermore, in some instances, the background text constitutes land use plan policy, in that it contains guidance for the review of future new development proposals. For instance, page 129 of the revised Coastal Plan contains housing policies that must be read in conjunction with Housing Recommendation #7 found on p. 139 in order to form a complete statement of affordable housing requirements.

In other instances, the background text contained in the Coastal Plan consists of descriptive material, some of which the County recognizes is out of date. For instance, the discussion of Outer Continental Shelf oil and gas development found on pp. 192-193 is clearly outdated. Because the County’s proposed LCP amendment is intended primarily to achieve consistency between the Coastal Plan and the General Plan, and not to bring up to date all parts of the LCP, this background discussion is proposed to remain as it is.

Furthermore, the County's proposed revisions to both the Coastal Plan and the Coastal Zoning Ordinance include references to certain General Plan policies. Some of these General Plan policies are stated verbatim in the Coastal Plan, whereas others are only referred to by name or number. Because the Coastal Plan policies, along with the other components of the LCP, form the standard of review to be used by the County or Commission, it is important that the LCP be “self-contained” so that a reader of the LCP can tell what policy language is applicable to coastal permits. Therefore, suggested modifications are included herein to address the inclusion of General Plan references in the Coastal Plan and Coastal Zoning Ordinance.

The following discussion is organized by issue area, consistent with Chapter 3 of the Coastal Act of 1976.

B. Location of New Development

Chapter 3 of the Coastal Act provides:

> ***Section 30250***
>
> *(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*
>
> *(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.*
>
> *(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*
>
> *Section 30500.1*
>
> *No local coastal program shall be required to include housing policies and programs.*

1. Existing Coastal Plan and Land Use Map

The Land Use section of the existing Coastal Plan states that the policies contained there, along with the Land Use Plan maps, the Open Space maps, and the Recreation/Access maps, together indicate the type, location, and intensity of land uses allowable in the coastal zone. In certifying the County's Coastal Plan in 1981, the Commission found that the Plan and its components adequately met the requirement of the Coastal Act to provide for future land uses in appropriate locations and at appropriate intensities.

The existing Land Use Map consists of 3 sheets: #1 Sea Ranch, #2 central area, and #3 Bodega Bay area. The largest proportions of the County's coastal zone are designated for agriculture, timber, and recreation, including both public and privately owned land. Relatively small areas of the coastal zone are designated for rural residential, commercial, or visitor-serving uses. At the Sea Ranch and Bodega Harbour Subdivision, residential areas are designated as "planned community", interspersed with

dedicated open space that is made up of the common areas between homes that are permanently restricted from future residential construction.

In the Bodega Bay area, the existing Land Use Map designates a few areas for low to medium density residential development, and small areas for fishing commercial and village commercial uses.

2. Proposed Changes to the Coastal Plan Text

The "Introduction and Summary" of the existing Coastal Plan states:

> The chapters, and chapter sections are introduced by applicable Coastal Act policies, followed by an issues discussion and policy recommendations relating to the issues. The recommendations are specific statements of policy intended to implement State Coastal Act policies…

In other words, the Coastal Plan's policies have mandatory applicability to the review of new development proposals, rather than the advisory status that the word "recommendation" suggests. To further clarify this point, the revised Coastal Plan substitutes the word "policies" in place of "recommendations" in the Introduction to the Land Use chapter (p. 181). Although in practice the County has treated the Coastal Plan's "Recommendations" as policies, this revision will avoid any future misunderstanding.

Secondly, the revised Coastal Plan clarifies that its policies, rather than those of the General Plan, are applicable to the coastal area (p. 181). This clarification would be made by the County's proposed deletion of the sentence in the existing Coastal Plan: "Concerning issues not dealt with in the Coastal Plan, the General Plan continues in effect." The sentence to be deleted implies that additional standards regarding new development are applicable to proposed development in the coastal zone, even though such policies have not been included in the Coastal Plan and have not been reviewed or approved by the Coastal Commission. Because only policies certified by the Coastal Commission as part of the LCP should be applied by Sonoma County to land use decisions in the coastal zone, the Commission agrees with the County's proposed deletion of this sentence. (In two other places in the Coastal Plan and in various places in the Coastal Zoning Ordinance, the County proposes text that states that General Plan policies would take precedence over Coastal Plan policies. See Sec. IV.F. – Environmentally Sensitive Habitat Areas and Sec. IV.G. – Visual Resources below for discussion of these policies, as well as accompanying Suggested Modifications. See also Sec. VII.B.2. and accompanying Suggested Modifications.)

Third, minor revisions are proposed to the land use categories described in the Land Use Plan (pp. 181-182). Instead of the fifteen land use categories that are currently used in the Plan and on the Land Use Map, the revisions propose fourteen categories. The fourteen proposed categories are very similar to their previous counterparts, with minor clarifications:

- The "Agriculture" and "Timber" categories would remain the same, but requirements regarding non-agricultural or non-timber uses would be tightened up by providing

that "residential and other land uses must (rather than (should) relate to resource production."

- The County proposes to drop the "Recreation-Scenic Design" designation. In its place, the County proposes incorporation into the LCP of the Visual Resource overlay maps that designate categories of visually significant lands; see Section G below.
- The County proposes to adjust the existing "Recreation" and "Institutional" categories, so that "Recreation" would be applied only to privately owned lands, whereas "Institutional" would be applied to publicly owned recreational lands, along with other public lands (such as the University of California's Bodega Marine Laboratory). In areas such as Willow Creek, lands that are currently all designated as "Recreation" are proposed to be divided between the "Institutional" and "Recreation" categories, depending on ownership type.
- The County proposes to adjust the "Commercial Center" designation, by adding the provision that general commercial uses are allowable including local serving and limited visitor serving uses.
- The "Housing Opportunity" designation, intended to encourage affordable housing, is proposed to be deleted, to be replaced by other provisions for affordable housing (see Section 4 below).

The proposed changes to the text of the Coastal Plan do not raise issues of consistent with Coastal Act policies, with certain exceptions as discussed further below.

3. Proposed Changes to the Land Use Plan Map

a) Changes in Use Designation

Relatively few changes are proposed in the designation of land for various uses. (A complete list of these is contained in Attachment #4 entitled "Coastal Plan Changes". Parcels indicated with an asterisk in this attachment were previously approved, but not yet added to the Land Use Plan Map.) Although large areas now shown as "Recreation" on the Map are proposed to be designated as "Institutional", this reflects primarily the fact that large areas of the Sonoma Coast are owned by the state Department of Parks and Recreation (DPR). Under DPR ownership, such lands will continue in recreational use, even with the proposed change in designation. In a few areas, such as south of Fort Ross, the DPR has acquired former ranches, and the revised Land Use Plan Map accordingly redesignates such areas from "Agriculture" to "Institutional". In sum, in most areas of the coastal zone, no change in allowable land use types or intensity of development would result from the proposed Land Use Plan Map revisions. Those few areas where changes in allowable land use or intensity of use are proposed or appear to be proposed are discussed further below.

The Sea Ranch. At the Sea Ranch, few changes are proposed to the Land Use Plan Map. The revised Land Use Plan Map would designate the forested ridge that lies east of Highway One for "Timber" use, as does the existing Land Use Plan Map. The bulk of the Sea Ranch residential areas would continue to be designated as "Planned Community", a designation that allows the flexible residential lot design that exists in that subdivision. "Dedicated Open Space" would continue to be applied to the permanently undevelopable common areas that are interspersed among the homes. Several areas

that are shown on the existing Land Use Plan map simply as "Potential New Development" would receive a refined designation on the new Map, by being separated into a mix of "Planned Community" and "Dedicated Open Space". That mix of land use designations is already applied to the remainder of the Sea Ranch residential areas and does not represent a change in allowable type or intensity of land use.

The area around the Sea Ranch Lodge would continue to carry the existing designation of "Visitor Serving Commercial". The Land Use Plan text allows for future expansion of the Lodge by up to 100 additional units, subject to various conditions being met (Sea Ranch Recommendation #17, p. 196), and no change in that policy is proposed by the County.

Under the "Planned Community" designation that is applied to residential lands at the Sea Ranch, the total amount of allowable residential use is defined by text policies in the Coastal Plan, rather than by the PC designation itself. The Plan indicates that 2,029 residential units are recognized by the "Bane Bill" (amended into the Coastal Act as Section 30610.6), and that 300 additional residential units could be allowed, subject to several conditions being met, including that 15% of the total 300 units would be affordable housing units (Sea Ranch Recommendation #17, p. 196). Another condition precedent to allowing the additional 300 residential units is that "transfer" sites be identified for up to 100 residential units. Transfer sites were intended originally to allow limited additional development at the Sea Ranch, where services might be made available, while residential parcels elsewhere in the Sonoma County coastal zone were acquired by public agencies for park purposes or otherwise retired from development.

No change is proposed by the County in the text policies regarding the Sea Ranch. The Sea Ranch Association, however, has proposed certain changes to the text of the Coastal Plan, including changes to the text regarding the Sea Ranch (see Attachment #6). The Association, to which property owners at the Sea Ranch belong, suggests revisions regarding the "transfer site", in order to reflect an agreement that the Association has reached with the current owner of the site regarding its future use. The text proposed by the Association would explain that while up to 100 units were originally contemplated on that property, no more than 60 residential units (of which 7 have already been developed) may be built under the agreement reached with the owner. The other changes proposed by the Association are merely descriptive and indicate changes in conditions that have occurred since the Coastal Plan was prepared nearly 20 years ago. The changes proposed by the Association would better reflect current conditions at the Sea Ranch and, in particular, would reflect the actual level of residential development that could occur there (which is less than originally approved by the Coastal Plan). Because the County has not proposed parallel revisions to other parts of the Coastal Plan to update factual material, however, the Commission does not suggest a modification to incorporate those changes.

Bodega Bay. In Bodega Bay, several changes are proposed to the Land Use Plan Map. The proposed Land Use Plan Map would designate the core residential area of Bodega Bay, known as the Taylor Tract, for "Low Density Residential", instead of "Medium Density Residential" as on the existing Map. This change in designation is proposed simply to reflect existing land use conditions, given that the subdivision is already largely built out with small homes on small lots, rather than an attempt to revise allowable density in this area. This proposed change is consistent with Chapter 3

policies, which place no higher priority on medium density residential development as compared with low density development.

North of Bodega Bay, an 11-acre portion of a 55-acre parcel (APN 100-220-029) is proposed to be redesignated by the Coastal Plan from "Agriculture" to "Fishing Commercial" (see Attachment #9). This parcel lies to the east of Highway One, about a mile from the harbor. This change is proposed by the County in order to bring the Land Use Plan Map into consistency with a coastal permit approved some 15 years ago by the County and subsequently by the Commission on appeal (Appeal #A-2-SON-85-006). That permit allowed construction of a storage facility designed to be used for fishermen's storage needs and therefore considered as a fishing-related use. In approving that project on appeal, the Commission found that construction of the facility with 129 enclosed marine storage units and 100 boat/recreational vehicle storage spaces, on a portion of the 55-acre parcel, was consistent with the County's Local Coastal Program, which designated the property as "Agriculture". The Commission found that although it could not conclude that the proposed project was actually "agricultural" in nature, the project would fulfill a need for fishing-related storage that apparently could not be met elsewhere in Bodega Bay. The Commission found that fishing was definitely resource-related, and thus it approved the project as being consistent with the County's Coastal Plan.

The proposed fishing-related storage facility has never been built, and the 55-acre property continues in agricultural (grazing) use. The County has proposed at this time to redesignate the property from "Agriculture" to "Fishing Commercial" based on the coastal permit history of the site, and not because the site offers particular suitability for such use. In fact, given its location nearly a mile distant from the harbor, the site would appear to be poorly suited for such a use. Furthermore, the site lies outside the "Urban Service" boundary of Bodega Bay, which is the core area where the Coastal Plan seeks to concentrate urban development. Section 30242 of the Coastal Act states that lands suitable for agriculture shall not be converted to nonagricultural uses unless continued or renewed agricultural use is not feasible or such conversion would preserve prime agricultural land or concentrate development. Although the Commission approved conversion of the land to nonagricultural use many years ago, the approved storage facility has never been constructed and no evidence has been provided that, at the present time, continued or renewed agricultural use is not feasible.

In order to protect agricultural uses in the future, both on the 55-acre parcel and on neighboring parcels outside the "Urban Service" boundary, the Commission finds that continued designation of the property as "Agriculture" would be consistent with Section 30242 of the Coastal Act. Consequently, the Commission suggests that the proposed Land Use Plan Map be modified to designate the property as "Agriculture", rather than "Fishing Commercial" (see **Suggested Modification #7**) and that the Coastal Zoning Maps be changed accordingly.

On Bay Hill Road, a parcel (APN 100-220-19 through 21) appears to be proposed for redesignation on the Land Use Plan Map from "Agriculture" to "Rural Residential". In fact, this parcel was subject to a previous Local Coastal Program amendment, approved by the Commission in 1988, and thus the apparent redesignation is merely proposed in order to show the current approved land use designation of the property.

Several parcels lying in the "island" between Smith Brothers Road and Highway 1 in Bodega Bay are proposed to be changed from the existing designation of "Recreation" to "Commercial Center". This change reflects the fact that these parcels, lying at the entrance to the town for travelers coming from the south, offer a central and therefore appropriate location for commercial uses offering both local-serving and visitor-serving services. The parcels are within the "Urban Services" area designated by the Coastal Plan, where both community sewer and water facilities are available. Furthermore, since these parcels are surrounded by roads, their continued designation as "Recreation" would not be appropriate, since the property offers few opportunities for recreational activities. Therefore, the Commission finds that "Commercial Center" designation is consistent with Coastal Act Section 30250, which seeks to concentrate new development in existing developed areas.

Another area, just to the south of the Taylor Tract, is designated on the existing Map as "Village Commercial" and is proposed to be changed to "Medium Density Residential". This is the site of a residential development project that was approved by the County and appealed to the Coastal Commission (which determined that the appeal raised no substantial issue; appeal #A-1-SON-94-120). Site development on this project has now commenced. The development is entirely residential, and the proposed designation of "Medium Density Residential" is consistent with the approved land use. Furthermore, since areas designated for local and visitor-serving commercial facilities are proposed to be expanded in other areas of Bodega Bay, such as the "Commercial Center" discussed in the previous paragraph, the proposed redesignation of this area from a commercial to a residential use is appropriate.

Outside Bodega Bay. South of the Timber Cove Inn, several oceanfront parcels (APN 109-080-002, 003) are proposed to be redesignated from "Recreation" to "Agriculture". Part of this property is currently developed for recreational vehicle and/or camping use, and none of it is used for agriculture. This proposed redesignation appears to be an error on the County's proposed Land Use Plan Map. Therefore, the Commission suggests **Modification #8** to designate the property as "Recreation" on the Land Use Plan Map, and to change the Coastal Zoning Maps accordingly.

b) Changes in "Urban Boundaries"

The existing Coastal Plan identifies "urban boundaries" around those communities that have community water and/or sewage treatment facilities. Such communities are characterized by residential development on small lots or in clustered planned development patterns, such as at the Sea Ranch or Bodega Harbour Subdivision, along with a very limited amount of commercial development. The existing Land Use Plan and Land Use Plan Map designate 13 communities as "Urban Areas": the Sea Ranch, Stewarts Point, Timber Cove, Jenner, Duncans Mills, Rancho del Paradiso, West Beach, Gleasons Beach, Sereno del Mar, Carmet, Salmon Creek, Bodega Bay, and Valley Ford. All lands not designated as "Urban Areas" are considered by the Coastal Plan to be "rural".

The urban and rural designations are utilized as a tool, consistent with Section 30250 of the Coastal Act, to guide development of more than the very lowest density (i.e., scattered farmhouses) into areas with community services that are able to support it.

One way the "Urban Areas" designation guides most new development into such areas is through the land use designations themselves that are applied to land within the urban area. For instance, lands within urban areas are typically designated by the Land Use Plan Map as "Rural Residential" or "Village Commercial", designations which allow for creation of smaller lots and for a greater variety of developments than on the surrounding lands designated for "Agriculture" or "Timber".

Another way the "Urban Areas" designation guides development is contained in Land Use Recommendation #7 (p. 195), which allows expansion and formation of water or sewer districts only within urban boundaries. Because geologic factors place significant limits on the availability of on-site water supply and sewage disposal in much of the Sonoma County coastal zone, the absence of community facilities in the rural areas is a significant constraint on new development, particularly small lot development or commercial development. In sum, this and other policies of the existing Coastal Plan act in such a way as to encourage most new development to be located within the small communities that already exist.

The revised Land Use Plan and Map propose only minor changes to these designations. First, the revised Plan would refine the existing designation of "Urban Areas" by breaking that category into two: "Rural Communities" (where community sewer service only is provided) and "Urban Service" areas (with both community water and sewer service; see p. 8 of the Coastal Plan). Areas currently mapped as "Urban Areas" are proposed to be designated with one of these two categories. Bodega Bay and the Sea Ranch have both community water and community sewer service, at least in portions of their area, and both are proposed as "Urban Service" areas. Other areas previously designated as "Urban Areas" are proposed to be designated as "Rural Communities".

A second proposed change concerns a parcel of land at the Sea Ranch. The revised Land Use Plan Map proposes to include in the "Urban Services" area one small area east of Highway One (mid-way north through the Sea Ranch) that is not presently included in the urban category. The reason for this proposed change is that the property has been developed with a small chapel and a fire station. These are uses, particularly the fire station, that are of an urban character and that are appropriately designated within the "Urban Service" area.

Finally, the revised Land Use Plan Map proposes to eliminate one area shown on the current map as Urban. That area is a small area (Pacific View Estates) where public acquisition has removed the potential for future residential development and thus it is appropriately designated as outside the "Urban Services" and "Rural Communities" categories.

Discussion. The proposed division of "Urban Areas" into "Rural Communities" and "Urban Service" areas does not alter the overall designation of areas that have one urban service or the other and are therefore appropriate locations for additional urban development. Furthermore, and perhaps more significantly, breaking the "Urban Areas" category into two does not change the extent of rural areas where urban services are not allowed to extend, thus protecting those areas for continued agriculture or timber use. Consequently, the Land Use Plan policies and Land Use Plan Map would remain consistent with the requirement of Section 30250 to concentrate development, where possible, in existing developed areas.

The proposed Land Use Plan revision would delete Recommendation #28 (p. 197) that currently allows an option for Salmon Creek subdivision to connect to the nearby Bodega Bay Public Utility District, which provides both water and sewer service. Because Salmon Creek is already included in the list of "Urban Areas" where community services may be provided, and is proposed in the revised Coastal Plan to be designated as a "Rural Community", the deletion of this policy would have no effect on the future provision of services to Salmon Creek. The community retains the option of forming a community service district, even if it cannot connect to Bodega Bay's system.

In sum, the proposed changes to the Land Use Plan Map as discussed above are consistent with the policies of Chapter 3, if modifications are made as suggested.

4. Affordable Housing

Background. The existing Coastal Plan states that "The major goal of the Housing section is to protect and promote low and moderate cost housing for people who work within the coastal zone to carry out Coastal Act policies on housing, access, and coastal zone priority uses." The Plan, which was certified by the Coastal Commission in 1981, quotes the mandate of Section 30213 of Chapter 3 that was then in effect to protect, encourage, and, where feasible, provide housing opportunities for persons and families of low or moderate income, as defined by Section 50093 of the Health and Safety Code. To comply with that mandate, local governments at that time were required, in effect, to submit the housing element of their general plan for Commission review and approval.

In 1981, the Legislature amended the Coastal Act to delete the Chapter 3 policy that required the Commission to protect and encourage low and moderate income housing. The Legislature also added Section 30500.1, which states that the Commission shall not require local governments to submit housing policies. At the same time the Legislature amended the Government Code by adding Section 65590, which requires local governments to adopt certain policies relating to the protection of affordable housing in the coastal zone. Shortly thereafter, the Legislature adopted Coastal Act Section 30011, which precludes the Commission from evaluating how a local government has applied Government Code Section 65590 to a particular development.

These amendments did not change the Coastal Act requirement that local governments develop policies and plans that ensure development in the coastal zone conforms with Chapter 3 policies of the Coastal Act. Rather, the amendments shifted the responsibility for protecting and encouraging affordable housing away from the Coastal Commission to local governments. These amendments did not modify the requirement that local governments include in their LCPs plans and ordinances for the location and density of residential development, and that those plans and ordinances conform with Chapter 3 policies. Thus, LCPs submitted to the Commission must include plans and ordinances relating to the location and density of residential development.

Section 30007 of the Coastal Act states that the Act does not exempt local governments from requirements of housing laws. Therefore, to the extent the Government Code imposes housing-related requirements on local governments, the Coastal Act cannot be a means for the local government to avoid those requirements. In some cases, Government Code housing requirements will be strictly related to the housing element of

the local government's general plan and will not be submitted to the Commission as part of the LCP. However, if Government Code housing requirements affect the residential density provisions of the land use element of a general plan, local government's implementation of those requirements must be included in an LCP and must conform with the Coastal Act.

Description of the existing Coastal Plan. The existing Coastal Plan primarily addresses new residential development in Chapter VII - Development. Additional policies pertaining to housing are found in Chapter IV - Resources, within the lists of land uses that are potentially appropriate on agricultural and timberlands.

The existing Coastal Plan states that affordable housing is essential to support certain high-priority land uses, such as visitor-serving facilities, agricultural production, and coastal-dependent industry such as commercial fishing. The Plan concludes that if workers are unable to find affordable housing in the coastal zone, the viability of such land uses would be threatened. Thus, the Plan's provisions for affordable housing rest not only on the former mandate that was contained in the Coastal Act prior to 1981, but also on other policies of the Act that remain in effect, such as those that put a high priority on the protection of visitor-serving facilities, agriculture, and commercial fishing.

The existing Plan states that four types of strategies will be utilized to encourage production of new affordable housing. These strategies are **Permit and Inclusionary Requirements**, **Subsidies**, **Employer Housing Assistance**, and **Incentives**. The proposed revisions to the Coastal Plan would not change these general strategies, although the manner in which one of them, **Incentives**, is proposed to be carried out would be significantly revised, as discussed further below.

The primary incentive for affordable housing in the existing Coastal Plan is the provision for density bonuses in designated "Housing Opportunity Areas" for projects that include 25 percent affordable units. The Plan states that "A land use category called Housing Opportunity Area has been included in the Land Use Plan. Lands with this designation will be zoned for low density residential use at four units per acre or less." Consistent with this statement, the existing Land Use Plan Map indicates a "Housing Opportunity Area" in the central area of Bodega Bay, south of the Taylor Tract. The Coastal Plan goes on to provide that if a property owner proposes a development within these designated "Housing Opportunity Areas" that includes at least 25% affordable units, then the owner may apply for a higher density of up to 8-10 units per acre.

Thus under the existing Coastal Plan, the higher density incentive that would be result in creation of affordable housing is available only through a rezoning of the property. Although not mentioned specifically in the Coastal Plan, such rezoning would constitute a Local Coastal Program amendment. In sum, under the existing Coastal Plan, this incentive for affordable housing is not available solely through the development review process, because a rezoning and LCP amendment requiring Coastal Commission review is required prior to offering the incentive to a housing developer.

Experience since 1981. Since the Coastal Plan was certified by the Coastal Commission in 1981, a limited number of affordable housing units have been approved by the County in the coastal zone. One affordable housing project that has been approved consists of fourteen affordable units that are planned to be constructed as part

of the Harbor View Subdivision in Bodega Bay in the area designated by the existing Coastal Plan as a "Housing Opportunity Area". This residential subdivision, which was approved by Sonoma County, will create 70 single-family home parcels, along with a 1-acre parcel intended for transfer to an affordable housing development entity for construction of 14 multi-family affordable units. Initial site work for the project has commenced, although construction of houses has not yet occurred.

Although the existing Coastal Plan suggests the possible need for an LCP amendment for creation of affordable housing, utilizing the incentive of increased density, no Coastal Plan amendment was submitted for creation of the 14 units in the Harbor View Subdivision. Instead, the County approved the units through a coastal development permit. That coastal permit was appealed to the Commission, and the Commission found on February 10, 1995 that the appeal raised no substantial issue (Appeal #A-1-SON-94-120).

As part of the proposed revisions to the Coastal Plan, the site of the Harbor View Subdivision is proposed to be designated in part as "Medium Density Residential" (to include the 70 single-family lots and the parcel for the 14 affordable units) and in part as "Planned Community" (a remainder parcel for future development, unspecified at this time).

At the Sea Ranch, forty affordable housing units have been constructed in the form of employee housing units. This number of units approximately meets the requirement of the existing Coastal Plan to provide 15% affordable units, out of the 300 additional units allowed by the Plan above and beyond the 2,029 residential units originally contemplated at the Sea Ranch (see Section IV.B.3.a. above).

In addition to the incentive discussed above, a second policy measure appears to be contained in the existing Coastal Plan to encourage the development of affordable housing. This incentive is the allowance of a second rental unit on certain lots designated by the Land Use Plan. This incentive is available, in theory, through the county development review process, because there is no need for a Local Coastal Program amendment prior to the County offering the incentive. In practice, however, this incentive has never been made available, because the Coastal Zoning Ordinance did not contain provisions for second units, and thus this land use plan policy has not been implemented.

Proposed Change: Incentives for Affordable Housing. The proposed Coastal plan revisions would change the way incentives for construction of new affordable housing could be granted. These changes are proposed in order to bring the Coastal Plan (1) into conformity with requirements of the Government Code regarding housing that have changed since the Plan was certified and (2) into conformity with the County's General Plan.

The method by which the County proposes to include incentives in the revised Coastal Plan is to draw relevant policies from the Housing Element of the General Plan. Housing Element Policies HE-1c and HE-2g, which create incentives designed to encourage the development of new affordable housing, are proposed to be incorporated into the Coastal Plan. The proposed revisions to the Coastal Plan also include new definitions of applicable terms, such as "Affordable Rental Housing" and "Density

Bonus". Furthermore, the revisions would add a description of several available housing programs that are supported by federal or state programs and would delete the description of no-longer-available programs. Together, the new definitions and policies would make subtle changes in the way that affordable housing needs are addressed in the coastal zone, as discussed further below.

One proposed change would delete the provision that a density bonus could only be made available to a project in Bodega Bay (i.e., the only currently designated "Housing Opportunity" area). The revised policy would require that density bonuses be provided generally throughout the County's coastal zone, applying to housing developments consisting of five or more dwelling units. However, as noted below, the only areas of the County where a density bonus might be made available are those areas designated "Medium Density Residential", and that designation is proposed to be applied only to virtually the same areas in Bodega Bay that are designated in the existing Coastal Plan as "Housing Opportunity" areas. Thus, little change in the potential location of affordable housing units would result from the proposed revisions to the Coastal Plan, despite the apparent broadening of the policies.

A second proposed change to the Coastal Plan would change the density bonus from applying only to projects with at least 25% affordable units, as it does now, to applying to projects ranging from 20 to 40% affordable units. A third change would require that where bonuses are offered, an agreement between the county and the developer is required, running with the land, in order to assure for the long term affordability of the housing units.

These revisions would be accomplished through the proposed addition of the following text to the Coastal Plan, including policy HE-1c from the County's General Plan (Note: strike-outs indicate text proposed by the County to be deleted; underlined text is proposed by the County to be added):

> Housing Opportunity Areas. ~~A land use category called Housing Opportunity Area has been included in the Land Use Plan. Lands with this designation will be zoned for low density residential use at four units per acre or less. The property owner will have the option of applying for a higher density (up to 8-10 units per acre) if he demonstrates adequate provisions for affordable housing. At least 25 percent of the units must be affordable for consideration. Each rezoning proposal will be analyzed individually when requested. Criteria for analysis will include conformance with:~~ The County General Plan has established a low income Density Bonus Program and a housing opportunity program to encourage development of housing affordable to very low and low income households. The density bonus incentive will grant a density of at least 25% higher than permitted under the General Plan and zoning in exchange for a commitment to developing and maintaining a portion of the units as affordable to very low and low income households. It is based on Housing Element policy HE-1c, as stated below:
>
> HE-1c: Allow a density bonus and provide another development incentive in accordance with the provisions of Government Code Section 65915 et seq., to encourage the development of housing affordable to very low- and low-income households. The requirements for affordability and rental costs and housing rental agreements set forth in Section ___ shall be met for any such units.

A recordable housing agreement between the county and the developer shall be required for any project where a density bonus is granted. The housing agreement shall provide for the long term affordability of the housing by low and very-low income households, in accordance with the requirements set forth in Section 3.1 on page ___.

The density bonus shall apply to housing developments consisting of five or more dwelling units.

The housing opportunity areas are classified into two types: Type A may allow up to 30 units per acre in medium and high density zoned areas, Type C would allow increases in low density residential zoning to a maximum of 11 units per acre. These policies are stated below in Housing Element Policy HE-2g:

HE-2g: Provide for two types of Housing Opportunity Areas in addition to, and not in lieu of provisions of state and federal law, as follows:

Type "A" Housing Opportunity Areas are established in all Urban Residential 6-12 dwelling units per acre, and all Urban Residential 12-20 dwelling units per acre areas depicted on the general plan Land Use Maps. The residential density for a Type A project may be increased 100 percent above the mapped designation, to a maximum of 24 dwelling units per acre for parcels located in Urban Residential 6-12 dwelling units per acre, and up to 30 dwelling units per acre for parcels in Urban Residential 12-20 dwelling units per acre.

Type "C" Housing Opportunity Areas are established in "Urban Residential 4-6 dwelling units per acre" areas. The maximum residential density for a Type C project is 11 dwelling units per acre.

A Housing Opportunity Type "A" project shall reserve a minimum of 40 percent of all units for rent or sale to low or very low-income households. A Housing Opportunity Type C project shall reserve a minimum of 20 percent of all units for rent or sale to low or very-low income households, and the remaining units shall be reserved for sale to low or moderate income households.

Type A and Type C projects shall comply with all applicable provisions of Chapters 26 and 26C of the Sonoma County Code, including development standards and long-term affordability requirements.

The Housing Opportunity Type A and Type C programs shall apply to housing developments consisting of five or more dwelling units.

Discussion: Density Bonus Incentive. Government Code §65915 requires local governments to provide residential density increases to developers who agree to develop low-income and senior housing. The statute requires that local governments grant a density bonus of "at least 25 percent" to developers who agree to make a specified percentage of new units affordable to low income or senior households. Government Code §65915(b) also requires local governments to grant at least one other

incentive, in addition to the density bonus, unless the local government finds that the additional incentive is not necessary to allow for affordable housing.

The County's proposed LCP amendment does not indicate how density increases will be applied consistent with policies of Chapter 3 of the Coastal Act. As a result, the proposed LCP amendment allows for application of density increases and incentives in a manner that does not conform with the policies of Chapter 3 of the Coastal Act. For example, the proposed policy language regarding density bonus incentives could be interpreted as allowing otherwise prohibited fill of a wetlands for purposes of accommodating a 25 percent increase in residential density.

To conform with the Coastal Act, an LCP must contain provisions that harmonize the requirements of both Government Code §65915 and the Coastal Act, including §30250 of the Coastal Act. Harmonization of the two statutes is achieved by provisions that give effect to the mandatory provisions of Government Code §65915, while implementing all discretionary provisions of Government Code §65915 in a manner that also conforms with Chapter 3 policies.

The mandatory provisions of Government Code §65915(b) are: (1) the requirement that local governments grant a density increase of 25% to developers who agree to make specified percentages of new units affordable to low income and/or senior households, and (2) the requirement that local governments grant an incentive in addition to the density increase unless the incentive is not necessary to make the housing affordable. Government Code §65915 mandates an increase in density of 25% but does not require a density increase beyond 25%. Further, the Government Code does not specify how the 25% density bonus is to be accommodated. Accordingly, how the increase is accommodated and whether to provide an increase beyond 25% are within local government's discretion. Therefore, under the Coastal Act, local coastal programs must insure that if there are means of accommodating the 25% density bonus without creating inconsistencies with the policies and development standards of the certified local coastal program, those means shall be used. Coastal resources can be adversely affected only when it is impossible to accommodate the density increase without such impacts. In those situations, the density increase must be accommodated by those means that are the most protective of significant coastal resources. For example, if the density bonus can be accommodated only by either increasing building heights thereby reducing public view to the ocean, or filling wetlands, the increase must be accommodated by the height increase, since that will be most protective of significant coastal resources. If relief from more than one standard is necessary to accommodate the 25% density bonus, the LCP may provide for such relief.

Government Code §65915(f) requires the increase in density granted to a developer be 25% over the "maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan." Many local government general plans and ordinances address residential densities by identifying both a density range that indicates the approximate density for an area, as well as a list of the development standards and other factors (e.g., setbacks, heights, yard size, proximity to circulation element roads, etc.) that will be applied to determine the maximum density that will be allowed on any particular site within the area. The Government Code requires that the 25% density increase be applied to the density that will be the maximum allowed under the general plan and zoning ordinances. Therefore, the base density to which the

density bonus will be applied is the density that would be identified after application of both the density range for an area and the factors applicable to the developer's particular site.

Government Code §65915(b) requires local governments to provide not only a density bonus but also "at least one of the concessions or incentives identified in [§65915(h)]" unless the local government finds that the additional concession or incentive is not required to provide for affordable housing. Thus, the provisions of at least one incentive is mandatory unless the local government finds that the additional incentive is unnecessary. However, Government Code §65915 does not require local governments to provide more than once incentive in addition to the density bonus. Further, it does not indicate how a local government is to choose which incentive to provide. Therefore, whether to award more than one incentive and which incentive to award are discretionary under the Government Code.

Therefore, under the Coastal Act, LCPs may not provide for more than once incentive unless it can be demonstrated that the grant of additional incentives will not result in inconsistencies with the policies and development standards of the certified local coastal program. Similarly, in applying the one incentive, LCPs must insure that if there are incentives that will encourage development of low income or senior housing without adversely affecting coastal resources, those incentives will be used. If all possible incentives will have an adverse effect on coastal resources, the LCP must provide for use of the incentive that is the most protective of significant coastal resources.

For example, if the potential incentives are: (1) a reduction in parking standards that may impede coastal access, and (2) allowing otherwise impermissible fill of wetlands, the first incentive should be awarded, rather than the second, since the Coastal Act places greater restrictions upon the filling of wetlands. LCPs should either rank incentives in terms of impacts on coastal resources or identify criteria or a process for determining which incentives will be used. This will insure that incentives that impose either no burden or lesser burdens will be granted instead of incentives that impose a greater burden on coastal resources.

Because the Sonoma County proposed LCP amendment fails to include provisions that insure that density bonus requirements will be harmonized with requirements of the Coastal Act in the above-described manner, the Commission finds that this proposed amendment does not conform with the policies of Chapter 3 of the Coastal Act.

Without provisions for harmonizing the requirements of the density bonus statute and the Coastal Act, the density bonus provisions of the Plan do not conform with policies of Chapter 3 of the Coastal Act. The Commission has suggested modifications to the Plan that will conform the Plan with the Coastal Act (**Modifications #1-3)**. These suggested modifications harmonize the requirements of the density bonus statute with the Coastal Act. The legal basis supporting these suggested modifications is set forth in the memorandum to Coastal Commissioners from Ralph Faust, Chief Counsel, Dorothy Dickey and Amy Roach, dated October 10, 1995, which is attached and hereby incorporated by reference (Attachment #7).

First, the suggested modifications limit the density bonus for both low income and senior housing to the mandatory 25% density increase. This limit is necessary to insure that

only the mandatory provisions of Government Code §65915 are automatically implemented, while the discretionary provisions of Government Code 65915 are implemented only after taking into account the protection of coastal resources. The modifications indicate that if the County can demonstrate that there are areas that can accommodate density increases beyond 25%, the County may amend their LCP in the future to allow for density increases beyond 25% in those areas. The suggested modifications also revise the Plan's provision regarding the number of years that density bonus projects must be made affordable. The modification accurately reflects the Government Code §65915 requirements.

Second, the suggested modifications indicate that the base density upon which the 25% density increase is to be calculated is the maximum allowable density for a particular site under the certified local coastal program policies and ordinances. This modification reflects the requirement of Government Code §65915(f) that the density bonus be applied to the otherwise maximum allowable density under the applicable zoning ordinances and land use element. The Sonoma County LCP sets forth various provisions that are applied to determine the maximum allowable density on a particular site. These provisions include the density ranges for various areas of the community, which are identified in the Plan. The provisions also include the development standards set forth in the zoning ordinances. The maximum allowable density of a particular development project is determined by application of all of these provisions, not just the density range specified in the land use plan. Thus, under Government Code §65915(f), the "otherwise maximum allowable residential density under the applicable zoning ordinance and the land use element of the general plan" is the maximum density determined after application of both the density range and the development standards set forth in the zoning ordinance. The suggested modifications are intended to insure that the base density to which the density increase is applied is the maximum allowable under both the land use plan and the zoning ordinances.

Third, the suggested modifications provide that development projects that benefit from the density bonus and incentive requirements are consistent with the applicable policy and development standards to the maximum extent possible. This modification insures both that relief from development standards is granted only as allowed under Government Code §65915 and that the relief granted is that which is most protective of coastal resources. The suggested modifications also require a finding that the development would have been fully consistent with policies and developments standards of the LCP if the development had been proposed without the density bonus. This modification insures that proper base density and the applicable development standards are identified. This enables an understanding of how the density increase was accommodated and how incentives were applied. This modification is consistent with the legal requirement that local governments adopt findings to explain their decisions, and is not intended to require developers to submit two separate plans for a project, one with the density bonus and one without.

Fourth, the suggested modifications provide that the 25% density increase will be accommodated using those means that do not adversely affect coastal resources. If the only means of accommodating the density increase are means that will adversely affect coastal resources, then those means that are the most protective of significant coastal resources will be used to accommodate the density increase. This modification insures that the County will exercise its discretion to determine how to accommodate the 25%

density increase in a manner that conforms with the policies of Chapter 3 of the Coastal Act.

Fifth, the suggested modifications provide that if an incentive is offered in addition to the density increase, that incentive will not have an adverse effect on coastal resources. If the County determines that there is no feasible, available incentive that will not have an adverse effect on coastal resources but an incentive is necessary to make housing affordable, the County will offer the incentive that is the most protective of significant coastal resources. This modification also indicates that more than one incentive may be granted if there are additional incentives that will not have an adverse effect on coastal resources. The determination of which incentive to grant and whether to grant more than once incentive are within the County's discretion. Thus, these modifications insure that the County will exercise its discretion in a manner that conforms with the policies of Chapter 3 of the Coastal Act. With these modifications, the proposed LCP amendment harmonizes the requirements of the density bonus statute and complies with requirements of the Coastal Act. Accordingly, if the modifications are adopted the proposed LCP amendment will conform with the policies of Chapter 3 of the Coastal Act and fully implement the land use plan as proposed to be amended.

Finally, the suggested modifications would clarify where in the County's coastal zone density bonuses might be approvable. The County's proposed revisions to the Coastal Plan define two types of housing opportunity areas in which density bonuses would be available. One is Type A, stated to be for use in areas designated as "Urban Residential" with densities of from 4-6 or 12-20 dwelling units per acre, and the second is Type C, for use in areas designated as "Urban Residential" with densities of 4-6 dwelling units per acre. The problem is that the Coastal Land Use Plan Map does not designate any areas in the coastal zone for "Urban Residential" use, a designation which is used by the County only outside the coastal zone. The highest density allowable under the Land Use Plan Map in the coastal zone is "Medium Density Residential", which allows 5-8 units per acre. Since the actual density allowed within the "Medium Density Residential" areas is comparable to that described in the proposed housing policy regarding "Urban Residential", suggested **Modification #1** would clarify that the should be applied to areas designated as "Medium Density Residential".

Suggested Modification #1 would change the provisions for Opportunity Areas A and C from those that the County uses in portions of the County outside the coastal zone. Doing so may not be consistent with the County's intent to offer a variety of housing incentive programs, including perhaps those crafted specifically to address the requirements of Government Code Section 65915 as well as other incentive programs of local origin. Because the housing incentives offered in the coastal zone must harmonize Coastal Act requirements with the density bonus statute, the Commission suggests **Modification #1** that would have the effect of combining various types of incentives into one program.

The Commission recognizes, however, that alternate methods may exist for the County to offer more than one housing incentive program. To do so in the coastal zone, for instance, would require adjusting the Coastal Plan land use designations in a way that would recognize that additional density, above and beyond what is allowed by the Coastal Plan that has been proposed by the County at this time, could be allowed if part of an incentive program. In other words, if the Land Use Categories of the Coastal Plan

themselves were amended to allow additional density, and if such additional density were consistent with Coastal Act requirements such as those regarding provision of adequate services, then the additional density that would be offered as an incentive would not result in an inconsistency with the development standards of the Coastal Plan. Hence, there would not be the need to reconcile state statutes as **Modification #1** would do.

As an example, the Medium Density Residential land use category could potentially be amended to provide not only for a base density of 5 to 8 units per acre, as the Coastal Plan does now, but also for a density of up to, say, 11 units per acre, as part of an affordable housing incentive program. That way, an incentive program provided as part of the Coastal Zoning Ordinance could be determined to be consistent with and adequate to carry out the Coastal Plan policy, without the need to harmonize different policy direction of the Coastal Act and the Government Code. The Commission does not offer a suggested modification to accomplish this end, because **Modification #1** is sufficient to allow the Commission to approve the Coastal Plan. The County has the option, of course, to submit for Commission review alternative ways of addressing affordable housing.

Finally, the Commission notes that the County's proposed revisions to the Coastal Plan do not explicitly include incentives for affordable housing that rest on the relaxation of development standards. In other words, the County has not proposed to encourage affordable housing by allowing construction in or near sensitive coastal resource areas where residential development would ordinarily be prohibited by other policies of the Coastal Plan. The existing Coastal Plan provides that density bonus projects in the coastal zone shall be evaluated using "Coastal Act policies, community character,… environmental suitability, and Local Coastal Plan visual component" among other factors (p. 129). The proposed additional policy language cites Government Code Section 65915, however, which in turn defines "incentive" to include "reduction in site development standards". Therefore, the proposed Coastal Plan changes raise the possibility of relaxation of such standards, and the Commission suggests modifications to the plan as described above.

Proposed Change: Second Units. Another change to the housing policies that is proposed by the County raises a potential conflict with Chapter 3 policies. This change would expand the areas in which second residential units are potentially allowable. Instead of being allowable only in Bodega Bay, as provided by the existing Coastal Plan, second residential units would be allowed in Bodega Bay plus other rural areas of the coastal zone. To accomplish this change, the following revision to the Coastal Plan is proposed by the County:

> Second Unit Zoning. Zoning which will allow second residential units will be provided in some portions of the Coastal Zone, primarily Bodega Bay and the rural areas. ~~New housing in Bodega Bay should be in keeping with the community character.~~ One way to increase rental housing opportunities while preserving community character is to allow second smaller units on single-family lots large enough to accommodate the additional use. ~~This would be implemented by a higher density zone and land use plan designation applied to former R1 lots that are 6,000 to 12,000 square feet in size appropriate residential areas. A second unit would be subject to a coastal permit, and approval would be dependent upon lot location, size, configuration, layout, and assurance that the rental unit would be affordably priced. These~~

~~special designations are intended to produce small, affordable rental units and assist homeowners who elect to build such second units.~~ This will be implemented by allowing second units in specified zoning districts on lots that are a minimum of 2 acres without public sewer and water, and lots of at least 6,000 square feet in size within an urban service boundary that are served by both public sewer and water. A second unit would be subject to a zoning or use permit and coastal permit, depending on location. Approval would be dependent upon conformance to the standards contained in the zoning ordinance.

Instead of potentially allowing second units only on relatively small lots that are primarily located in Bodega Bay, the revised policy would allow a second unit on lots that are at least 2 acres in size, if no public sewer or water service is available, or on smaller lots of at least 6,000 square feet, if both public water and sewer service are available.

Discussion. The Commission agrees that the provision of affordable housing is essential to the protection of high-priority land uses such as visitor-serving facilities, agriculture, and commercial fishing. For instance, without workers, inns to house coastal visitors would not be able to operate. Furthermore, if all workers in the coastal zone were to commute from inland areas where more affordable housing might be found, significant adverse impacts on limited coastal roads including Route 1 might result.

To be consistent with Chapter 3 policies, however, new housing developments need to be supported by adequate services and facilities. The revised Coastal Plan recognizes this need only indirectly by including this sentence with respect to second residential units: "Approval would be dependent upon conformance to the standards contained in the zoning ordinance." In other words, approval of second residential units would be subject to discretionary review and would require meeting the standards of the zoning ordinance, presumably including requirements for adequacy of facilities. To make the necessity for adequate services and facilities explicit, however, clarification of the Coastal Plan would be appropriate. Therefore, the Commission suggests **Modification #4** that would make clear that second units could be approved only consistent with all other policies of the Coastal Plan.

In sum, the revised Coastal Plan would allow second units only in two types of areas. The first would be those areas with both community sewer and water service, which at present consists only of the Sea Ranch and Bodega Bay. The second area includes rural areas without community services, but where lots are at least 2 acres in size. In general, on lots of that size, on-site sewage disposal and water supply are more likely to be feasible than on lots of smaller size. If modified as proposed by the Commission, the Coastal Plan would be explicit that second units could be allowed only where on-site services are actually capable of being developed, and where other Coastal Plan policies can be met. Thus, with the suggested modification, the Commission finds that potential allowance of second units on specified parcels is consistent with the requirements of Chapter 3.

b) Permit and Inclusionary Requirements, Subsidies, and Employer Housing Assistance

The existing Coastal Plan requires that in housing projects of 11 or more units, a minimum of 15% be affordable, subject to resale or rental controls (Recommendation #2, p. 139). The County proposes no change in this inclusionary requirement as part of the

Coastal Plan revision. Similarly, the County proposes no change in the Recommendation #11 (p. 140) of the Plan that addresses subsidies for affordable housing or employer housing assistance.

c) Definitions

The proposed changes to the Coastal Plan include new definitions of the following terms:

Affordable Rental Housing
Affordable Ownership Housing
Density Bonus
Housing Opportunity Area
Lower Income Households
Median Income
Moderate Income Households
Very Low Income

The proposed definitions merely clarify the County's policy intent with respect to the subject of affordable housing, and they do not, in themselves, conflict with the policies of Chapter 3 of the Coastal Act. One proposed definition does raise an issue, however, in that it would create an internal inconsistency in the Coastal Plan. That definition is for the term "Density Bonus". The definition proposed by the County is as follows:

> Density Bonus ~~means an increase in the number of units authorized for a particular parcel beyond that which would have been authorized by ordinance.~~ means a density increase of at least 25 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan, specific plan, or area plan.~~, as of the date of application by the developer to the county.~~

The definition contains a reference to "specific plan" and "area plan", thus implying that land use plans other than the Coastal Plan may determine residential density in the coastal zone. No specific plans or area plans have been submitted by the County or certified by the Commission. The only applicable land use plan in the coastal zone is the Coastal Plan itself. Therefore, the Commission suggests a modification to this definition, **Modification #3**, to make clear that residential densities in the coastal zone are determined only in accordance with the Coastal Plan and Coastal Zoning Ordinance.

D. Visitor-serving recreation

The Coastal Act provides:

> ***Section 30222***
>
> *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

The existing Sonoma County Coastal Plan includes the following policies (p.113):

- encourage the development and expansion of visitor-serving facilities within urban locations where Coastal Plan requirements can be met (for instance, where services are available),
- allow modest expansion of existing visitor-serving facilities outside urban areas, where Coastal Plan requirements can be met,
- limit most new commercial development, except for the lowest intensity development, to urban areas, and
- encourage the provision of modest-scale accommodations, such as bed and breakfast facilities, in all locations where appropriate.

The existing Plan also includes specific policies for the placement of additional overnight accommodations and other visitor-serving commercial uses in various communities along the Sonoma County coast.

The Coastal Plan revisions propose only modest changes to visitor-serving policies. First, the revisions to General Recommendations #1, 2, and 3 (p. 113) reflect the proposed distinction between "Urban Service Areas" (where both community sewer and community water service are available) and "Rural Communities" (where community water service only is available). Where the existing Coastal Plan grouped these two types of communities into one category, the proposed revisions draws a distinction between them, as discussed above in Section IV.B.3.b. of this report.

For purposes of encouraging the placement of additional visitor-serving facilities in suitable locations on the Sonoma County coast, this proposed change is not significant. The change is not significant because it does not reduce the areas potentially available for new visitor-serving facilities. New visitor-serving and commercial facilities would continue to be encouraged by the revised policies, as is the case now, and to be potentially approvable only where Coastal Plan requirements can be met, including requirements for adequate water and sewage disposal service.

The second change to the "Visitor-Serving Facilities" policies is the proposed addition of the phrase "*consistent with land use designations and zoning"* to the Specific Recommendations (pp. 113-114) encouraging new or expanded facilities in various communities along the coast. This additional language would have the effect of clarifying that new or expanded visitor-serving facilities are encouraged only where mapped and designated. Because the Land Use maps are part of the Coastal Plan, it is necessary that the Coastal Plan policies be integrated closely with the designations on the maps. This proposed change, therefore, is consistent with Chapter 3 of the Coastal Act, because the change will help to carry out the mandate of Section 30222 to assign a high priority to visitor-serving facilities.

E. Protection of Coastal Agriculture and Timberlands

The Coastal Act provides:

Section 30241

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Section 30241.5

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

> *For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.*
>
> *(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.*
>
> ***Section 30242***
>
> *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (l) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

The existing Sonoma County Coastal Plan contains policies addressing the protection of agricultural and forest lands in Chapter IV, entitled "Resources." The plan explains that the primary types of agriculture pursued in the Sonoma County coastal zone are dairies in the Valley Ford area and sheep and cattle grazing elsewhere. A primary policy of the existing Plan states (p.53):

> Recommendation #1: Encourage compatible, resource-related uses on designated resource lands. Such uses should not conflict with resource production activities. Residential, civic, and commercial uses should be located in existing communities or commercial centers as shown on the Land Use Plan. Some low-intensity visitor serving uses may be appropriate on resource lands if they are compatible with the resource use of the land.

This policy establishes the fundamental priority that is accorded to agricultural uses on coastal lands, consistent with Chapter 3 policies. The policy also recognizes that land uses that are unrelated to agriculture present a potential threat to the long-term continuation of agriculture and therefore are appropriately located in urbanized areas, rather than on farms or ranches.

Another primary policy of the existing Plan states (p. 53):

> Recommendation #4: Establish resource compatibility and continued productivity as primary considerations in parcel design and development siting.

This policy recognizes that threats to the continuation of agriculture may arise through the land division process, where for instance new parcels may be proposed that are too small to support agricultural operations. The Coastal Plan establishes a minimum parcel size of 640 acres for grazing lands and timberlands and a minimum of 160 acres for

dairies. These minimum parcel sizes are among the largest required by any coastal county for coastal zone lands, and they provide significant protection against inappropriate division of resource lands. No change is proposed in these minimum parcel size requirements.

One change proposed in the revised Coastal Plan involves terminology. The revised Coastal Plan would utilize the titles for recommended zoning districts that are contained in the countywide General Plan, rather than the titles previously applicable only to the coastal zone. These titles, and their previous equivalent, are as follows:

Old title	New title
Exclusive Agriculture (AE)	Land Intensive Agriculture (LIA) Land Extensive Agriculture (LEA) Diverse Agricultural (DA) Resources & Rural Development (RRD
Primary Agricultural (AP)	LIA, LEA, DA
Natural Resources (NR)	Resources & Rural Development (RRD)

The changes in terminology, in themselves, would not have a substantive effect on the protection of coastal resources.

Existing Land Use Recommendation #4 (p. 53) recognizes that continued agriculture may be threatened by the placement of proposed structures that would use good agricultural soils for non-agricultural purposes, thus displacing the highest priority use for the land. A proposed change to Land Use Recommendation #4 would accomplish two things: require the creation of a buffer between agricultural operations and residential land uses, when residential developments are proposed adjacent to farms or ranches, and implement provisions of another County Ordinance, known as the “Right to Farm” Ordinance:

> Establish resource compatibility and continued productivity as primary considerations in parcel design and development siting. Implement General Plan Policies AR-4c and AR-4d to establish Agricultural setbacks and apply the provisions of the 'Right to Farm' ordinance.
>
> **ARC-4c:** Protect agricultural operations by establishing a buffer between the agricultural land use and the residential use at the urban fringe adjacent to an agricultural land use category. Buffers shall generally be defined as a physical separation of 100' to 200' and/or may be a topographic feature, a substantial tree stand, water course or similar feature. In some circumstances a landscaped berm may provide the buffer. The buffer shall occur on the parcel for which a permit is sought and shall favor protection of the maximum amount of farmable land.
>
> **ARC-4d:** Apply the provisions of the "Right to Farm" Ordinance to all lands designated within agricultural land use categories.

The effect of the first part of this proposed change would be to strengthen the existing general policy protecting existing agricultural operations by making it more specific and by including a description of suitable buffers. The proposed revision also includes the key requirement that buffers shall be located on the parcel that is proposed for

development (for instance, on a residential subdivision), as opposed to the existing farm or ranch. That requirement would ensure that agricultural operators could continue to use all of their land, even as residential or commercial land uses are approved on adjacent property.

The second proposed revision, involving the "Right to Farm" ordinance, creates an issue. While the "Right to Farm" ordinance may be intended to preserve agriculture in areas where it is now practiced, this ordinance does not appear in the proposed revisions to the Coastal Plan, nor does it appear elsewhere in the Local Coastal Program. Thus the Commission is unable to review its suitability for inclusion in the Coastal Plan. The County has the option to submit this ordinance for Commission review as part of a future LCP amendment. In the absence of that step, the Commission suggests **Modification #5**, which would simply delete the reference to the "Right to Farm" ordinance.

Other minor changes to the policies of Chapter IV. Resources are proposed only to ensure consistency with terminology proposed elsewhere for revision. For instance, a change is proposed to Land Use Recommendation #5 (p. 53), which addresses land divisions in agricultural or timber areas. That policy is proposed to be amended in order to apply rural land division criteria to lands outside of "designated rural community or urban service area boundaries", thus making it consistent with the change in terminology described above under Section IV.B.3.b. Changes in "Urban Boundaries". This proposed change would have no effect on the application of rural land division criteria to rural lands, since those criteria would continue to be applied to proposed land divisions outside areas with either community water or sewer service (i.e., "Urban Areas").

Another change in terminology is proposed for item #10 in the list of suitable Resource Management Uses (i.e., farming and timber harvesting; p. 48). The changed wording would address development within "designated scenic view sheds", rather than development within view of "designated scenic roads", thus making this policy consistent with revisions proposed in Coastal Plan Chapter VII. Development (see Section G, Visual Resources below). A similar reference to "designated scenic view sheds" is proposed for the list of Residential Uses, item #3 (p. 49), again to make the wording consistent with revisions proposed to Chapter VII.

Another minor change is proposed to Land Use Recommendation #6 (p. 54) in order to replace references to the existing "Natural Resource" (NR) and "Primary Agriculture" (AP) zoning districts with a general reference to "Agricultural or Resource Zoning" district as defined in Table IV-4 of the revised Coastal Plan. This proposed change would ensure internal consistency between the Plan and Coastal Zoning Ordinance and would have no substantive impact on the application of Coastal Plan policies to proposed development projects.

Finally, minor changes are proposed to the background text of Chapter IV. Resources to utilize updated terminology regarding "Timber Production Zones" (p.47), agricultural or resource zoning (p. 46), and the new proposed zoning districts of "Timber Production" (TP), "Land Intensive Agriculture" (LIA), "Land Extensive Agriculture" (LEA), "Diverse Agriculture" (DA), and "Resource & Rural Development" (RRD) (p. 43). These changes in terminology, in themselves, would have no effect on protections afforded to

agricultural and timber lands, and thus the changes are consistent with the policies of Chapter 3.

F. Environmentally Sensitive Habitat Areas (ESHAs).

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The LCP revisions include no changes to the definitions of habitat categories or the environmental resource summaries contained in Chapter III of the LUP. Wetland protection policies would remain strong, as for instance in Recommendations #25 and #26 (p. 30) which provide generally for a minimum buffer of 100 feet from wetlands for new development, with an additional buffer of up to 300 feet required unless an environmental assessment finds the wetland would not be affected. These policies are not proposed to be revised by the County.

The revisions do, however propose a few changes to the Recommendations contained on pp. 28-34 of the LUP.

First, the following language is proposed to be inserted before Recommendations #9 through 15, which address riparian resources:

> Riparian: Note - Where General Plan standards and policies are more restrictive than the following, development shall comply with the General Plan policies.

Secondly, similar language is proposed to be inserted before Recommendations #16 through 27, which address wetland resources:

> Wetlands (Marshes, ponds, Reservoirs, Seeps): Note - Where General Plan standards and policies are more restrictive than the following, development shall comply with the General Plan policies.

These two proposed additions to the LUP raise a concern. Because the General Plan standards and policies referred to are not included in their entirety in the Coastal Plan, those standards and policies would not be applicable to a coastal development permit that is appealed to the Coastal Commission. The standard of review that the Commission applies in the event of an appeal is the certified Local Coastal Program, not other documents that the Commission has not reviewed. Although the Commission does not disagree, in general, with the goal of providing more restrictive standards to development in sensitive resource areas, the inclusion of references to standards and

policies not a part of the Local Coastal Program creates an issue, because the Commission has not reviewed those other standards. Therefore, the Commission suggests **Modification #9** that would clarify the reference to General Plan policies to state that, at a minimum, development must be found to meet Coastal Plan standards. That way, if the County chooses to impose standards that are more restrictive, the Commission can be assured that the Coastal Plan standards will also be met.

A third proposed change to the Recommendations involves kelp resources (p. 33):

> #74: Encourage the appropriate State and Federal jurisdictions to:
>
> Monitor the size and habitat viability of kelp beds and their associated fisheries resources,
>
> Monitor and regulate activities such as sewage disposal, dredging, and renewable energy development ~~petroleum development, and other energy development~~ which may adversely affect near shore marine water quality and thus kelp resources. Prohibit petroleum and other forms of energy development which may significantly impact the environment through normal operations or accidents (oil spills, well blowouts, etc.).

Chapter 3 policies mandate the protection of environmentally sensitive habitat areas, and kelp beds are one such resource. Section 30240, for instance, requires that only uses dependent on the resource be allowed within environmentally sensitive habitat areas. The intent of this policy to protect kelp beds against disruption or damage from energy developments is generally consistent with Chapter 3 policies.

Chapter 3 also contains policies, such as that contained in Section 30260, however, that allow the approval of coastal-dependent industrial facilities, even if such facilities may not be fully consistent with all other Chapter 3 policies. To the extent that petroleum and energy development might be determined to be coastal-dependent, the County's proposed prohibition on certain energy projects might at first glance be viewed as inconsistent with Chapter 3.

The policy states that the County shall urge state and federal agencies to prohibit developments that would have adverse effects on kelp resources. The Commission notes that, since kelp beds occur in ocean waters, they remain under the coastal permitting jurisdiction of the Coastal Commission, rather than that of the County. However, to ensure that the County does not encourage the prohibition of petroleum and energy development that is coastal dependent and may be approvable under Section 30260 of the Coastal Act, the Commission suggests **Modification #11** to proposed Policy 74, as follows:

> Kelp
>
> 74. To the extent consistent with all applicable provisions of law, including but not limited to Section 30260 of the Coastal Act, ~~E~~encourage the appropriate State and Federal jurisdictions to:
>
> Monitor the size and habitat viability of kelp beds and their associated fisheries resources,

Monitor and regulate activities such as sewage disposal, dredging, and renewable energy development which may adversely affect near shore marine water quality and thus kelp resources. Prohibit petroleum and other forms of energy development which may significantly impact the environment through normal operations or accidents (oil spills, well blowouts, etc.)

G. Visual Resources

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed LCP revisions include new background and policy language regarding the protection of visual resources. First, the revisions include a revised definition of "Scenic Corridors" (p. 167). The revised definition proposes to delete the somewhat vague language that is included in the existing LCP, which states, in part:

> …no precise specifications can be established for the delineation of corridor boundaries, nor can they replace the judgement of persons trained and experienced in the fields related to the identification of environmental resources.

In place of this definition, the revised Coastal Plan would simply list the particular roads that are designated by the General Plan and/or Coastal Plan as “scenic corridors,” such as Highway 1, Highway 116, and others.

Secondly, the proposed revisions would change the Coastal Plan’s existing requirements for protection of scenic views when developments near scenic corridors are proposed. As certified, the existing Coastal Plan establishes a minimum setback for new development from scenic corridors of 100 feet in some cases, and 50 feet in others. The proposed revision appears intended to strengthen this requirement by stating that where General Plan policies and standards are more restrictive than the Coastal Plan’s minimum setbacks, then the General Plan standards would apply.

Although the Commission does not disagree, in general, with the goal of providing more restrictive standards to development in sensitive resource areas, the inclusion of references to standards and policies not a part of the Local Coastal Program creates an issue, because the Commission has not reviewed those other standards. Therefore, the Commission suggests **Modification #10** that would clarify the reference to General Plan policies to state that, at a minimum, development must be found to meet Coastal Plan standards. That way, if the County chooses to impose standards that are more

restrictive, the Commission can be assured that the Coastal Plan standards will also be met.

The revised Coastal Plan would significantly expand on the policy direction that would be applicable to proposed developments in scenic coastal areas. The County undertook a visual resource study, supported by a grant from the Coastal Commission, and the product of that study includes the following additional policies that the County proposes to add to the Coastal Plan (see p. 175; only part of Recommendation #20 is reproduced below):

20. Require design review for:

A. All new development within designated scenic view shed areas as depicted on the Coastal Visual Resource Maps (incorporated herein by reference and on file in ~~the~~ County ~~Planning Department~~)PRMD. ~~corridor boundaries.~~ The following criteria shall be used in evaluating the projects:

1. New structures proposed within a scenic view shed area shall, to the maximum extent feasible, be designed and sited to preserve existing views of the ocean and shoreline as viewed from scenic corridor routes.

2. New structures proposed within a scenic view shed area shall, to the maximum extent feasible, be screened from scenic corridor route view by existing topography and vegetation.

3. Development authorized within scenic view shed areas shall be subject to the condition that neither topography nor vegetation shall be altered or removed if doing so would expose the development to view from any scenic corridor route.

4. New structures shall not be located on ridgelines or prominent hilltops, as viewed from scenic corridor routes, unless screened by existing topography and/or vegetation.

5. Agricultural structures are exempted from scenic view protection policies if they are to be located landward of scenic corridor routes from which there are ocean or river views.

6. Development proposed upon a parcel mapped in more than one view shed rating category shall, whenever feasible, be located within the area with the lowest view rating.

7. Any satellite dish that requires a building permit shall be sited so that it is not visible from scenic corridor routes.

8. Subdivisions proposals within scenic view shed areas shall be subject to the following: a) lots shall be clustered where potential visual impacts can be reduced (unless clustering is prohibited in agricultural districts), b) building envelopes shall be established so that residences are located

upon the least visually sensitive areas, and c) driveways and access roads are hidden from public view whenever feasible.

B. All new projects in areas mapped as Outstanding and Above Average View Areas on the Coastal Visual Resource Maps (incorporated herein by reference and on file in the County Planning Department). The following criteria relate to landform and vegetation categories identified on the View shed Composition Maps, and shall be used in evaluating the projects. Figures on Figure VII-10 graphically depict a number of the View shed Protection Criterion and policies.

Hillside/Woodland Location

1. Locate structures within or behind existing wooded areas such that they are screened from scenic corridor routes.

2. Retain existing trees to the maximum extent possible when locating structures. Removal of tree masses, which would interrupt or destroy ridgeline or hilltop silhouettes, is prohibited. Permits shall specify that existing vegetative screening shall not be pruned or removed if doing so would render the structure more visible from a scenic corridor route.

3. In order to ensure structures are integrated well into the landscape and to minimize the incidence of unsightly erosion scars, the applicant shall demonstrate that the amount of grading proposed is the minimum necessary to site the structure.

Cliffs and Bluffs Location

1. Locate structures within or behind existing tree cover such that they are screened from scenic corridor routes. When there is limited opportunity to screen proposed structures from scenic corridor routes, design review shall ensure that:

   a) the structure's design compliments and is in scale with the surrounding environment.

   b) a landscape design is developed that relies upon native tree and shrub species to (1) screen the structure but not grow to block ocean or coastline views, (2) integrate the man-made and natural environments, and (3) effectively screen the structure from the scenic corridor route within 5 years…

The additional proposed text would expand and strengthen the standards in the existing Coastal Plan. The standards would minimize the visibility of new structures from scenic corridors, preserve to the maximum extent feasible existing views of the ocean and shoreline, and provide other protections to scenic views. In sum, the standards parallel

the language of Section 30251, and the Commission finds that the proposed additional policies are generally consistent with Chapter 3, with one exception, as noted below.

In one respect the Commission finds that the proposed additional policies are insufficient to protect visual resources, consistent with the requirements of Section 30251. This aspect of the policies has to do with vegetative screening, when used to prevent new structures from being visible from scenic corridors. The proposed new policy contains provisions for use of landscaping, relying upon native trees and shrubs, to "(1) screen the structure but not grow to block ocean or coastline views, (2) integrate the man-made and natural environments, and (3) effectively screen the structure from the scenic corridor route within 5 years" (see, for example, Recommendation #20.B. Cliffs and Bluffs Location). In other words, the policy relies upon use of plant materials to screen development from view.

The Commission's experience is that vegetative screening is not always effective. Trees or shrubs may or may not survive, particularly in the harsh coastal environment, and even native trees can come under attack from plant diseases or pests. If trees or shrubs intended to screen a development die, they will not be present to provide the screening that is anticipated. Thus, to assure long-term protection of visual resources, the Commission finds that measures other than vegetative screening, such as resiting, should be considered first, and landscape screening should be used only when no other measures are feasible to screen development from public view. The Commission suggests **Modification #12** to address this concern. That modification would make clear that landscape screening should not be used as a primary method of protecting views from scenic corridors, but may be used only when no other alternative method to protect views exists.

A fourth proposed revision related to the Visual Resources is included in the list of Resource Management land uses (p.48) that generally involve non-significant impacts to coastal resources and therefore may be subject to administrative permits or otherwise handled in a streamlined manner by the County. The existing Coastal Plan states that such uses shall not be subject to administrative or short-form permits if located within view of designated scenic roads. The proposed revision strengthens this requirement by stating that such uses shall not be subject to streamlined permits if located within designated scenic viewsheds. This policy is stronger because viewsheds may include views from parks and trails, in addition to roads.

The strengthening of this policy means that even more projects would be subject to a full-scale permit review, rather than a "short-form" permit of some type. The requirement for a regular permit would bring with it the increased opportunity for the County or the Commission on appeal to consider imposition of design review standards. A similar strengthening of protections for scenic areas is contained in the proposed change to Land Use Recommendation #14 (p. 195), which is proposed to be amended to require application of site and design guidelines to development in scenic viewsheds, rather than simply development in scenic corridors. In sum, because the proposed changes would strengthen the County's review process for developments in scenic areas, the Commission finds that the proposed revisions are consistent with Section 30251 of the Coastal Act.

Height Limits. The existing Coastal Plan provides for a residential building height of 16 feet west of Highway 1, unless an increase in height would not affect views to the ocean or be out of character with surrounding structures (or unless otherwise designated). Commercial height limit is 24 feet, west of Highway 1. For sites east of Highway 1, the existing Coastal Plan provides for a height of 24 feet, for both residential and commercial structures. The Plan provides that building heights are "measured from the natural grade on the highest side of the improvement to the highest point of the roof or any projection therefrom" (p. 178).

The revised Coastal Plan would provide a different method of applying height limits for structures both on the seaward and inland sides of Highway 1 and would change the method by which building heights are to be measured. For residential structures west of Highway 1, the revised plan would continue to provide a 16-foot height limit, but would allow an increase to a maximum of 24 feet, if the structure would be no higher than 16 feet above the grade of the road adjacent to the property and if the structure would not affect views to the ocean or be out of character with surrounding structures. Measuring the apparent height of the structure when viewed from the adjacent road, as proposed, would take into account sloping sites where some of a proposed building would be hidden from public view by the topography.

The standards contained in this revised language are more restrictive than the existing Coastal Plan policy, which does not contain a maximum height limit. Thus, under the existing Coastal Plan, structure heights of more than 24 feet could be approved, if necessary findings could be made, whereas under the proposed policy, 24 feet would be the absolute maximum. Furthermore, the proposed revised policy would take into account the apparent height of structures when viewed from the road adjacent to the property, thus protecting views and community character when viewed from public places such as Highway 1.

For residential structures east of Highway 1 and commercial structures either east or west of Highway 1, the revised Plan would allow a height of 24 feet, as at present. The Plan would also allow exceeding this limit, up to a maximum height of 35 feet, whereas the current Plan allows no structure higher than 24 feet in the locations noted. The additional height above 24 feet would be allowable only where the apparent height, when viewed from the adjacent road, is no greater than 24 feet. Thus, although the Plan proposes a higher height limit than exists at present, the effect on the viewing public should not be significant.

The revised method of measuring height limits for residential structures that is proposed will have a beneficial impact on visual resources. At present, the method of measuring height only from the natural grade on the highest side of the structure, where the building site is a steeply sloping lot, can result in a residence that is much more than the maximum height limit as measured from the downhill side of the structure. If the downhill side of the structure is highly visible from public places, then the apparent height of a building may be considerably more than the height limit of 16 or 24 feet might suggest.

In place of this method of measuring residential structure height, the revised Coastal plan proposes to measure height "as the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost

point of the roof" (p. 178). This method of measurement would mean that on a steeply sloping site, a residential structure would need to "step down" the slope, or otherwise conform to the height limit when measured from an "average" point within the building footprint. The result of measuring height in the proposed way would be structures on sloping sites that have lower roof heights overall or are designed more carefully to conform with their surroundings, consistent with Coastal Act policies to protect views to and along the ocean.

H. Hazards

Section 30253

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Only one revision to the existing Coastal Plan policies concerning coastal hazards is proposed. That revision concerns the information that must be addressed by an engineering geologist when development is proposed within 100 feet of a bluff edge or within areas designated as unstable or marginally unstable on the County's Hazards maps. Existing Recommendation #2 under Geologic Hazards (p. 37) refers to the information requirements that are stated in the *Coastal Commission's Statewide Interpretive Guidelines concerning Geologic Stability of Blufftop Development (May 5, 1977).* The proposed revision to that policy would merely direct the reader to the County's Coastal Administrative Manual to find those Guidelines. This change in itself raises no conflict with Chapter 3 policies. However, the proposed change could result in confusion in the future, and thus inhibit the implementation of the Coastal Plan, because the Commission's Guidelines are subject to revision or repeal. Therefore, in the future, information requirements for development in hazardous areas would be clearest if they were simply listed in the Administrative Manual, rather than referred to as a Commission document that exists outside the Local Coastal Plan. Consequently, the Commission suggests **Modification #6**, which would remove the reference to the Commission's Interpretive Guidelines and simply list the information requirements as they are.

I. Public Shoreline Access

The Coastal Act provides:

Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and

> *recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

The County proposes virtually no changes to the public access component of the Coastal Plan. For instance, the County proposes no changes to the access plan that provides priorities for the public acquisition and development of proposed parks and shoreline accessways. One minor change proposed by the County is insertion of text stating that the Sonoma County Agricultural Preservation and Open Space District may acquire lands that provide shoreline access, if in compliance with their adopted acquisition plan (p. 60). The second change is to indicate, under a statement of County Responsibilities (p. 61) that "finding other public agencies to accept offers of dedication" is an alternative to County acceptance of such offers. The Commission finds that these changes are minor and therefore do not affect the consistency of the Coastal Plan with the public access and public recreation policies of Chapter 3 of the Coastal Act.

J. Coastal-Dependent Industrial Development

The Coastal Act provides:

> ***Section 30260***
>
> *Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 3026l and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.*

Existing Coastal Plan policies. The text of the existing Coastal Plan contains a background discussion of Outer Continental Shelf Development of oil and gas leases. This information was prepared in 1981 and is now outdated, but is not proposed for revision by the Coastal Plan update.

The existing Coastal Plan text and Land Use Plan Map contain no designation for industrial facilities, such as on-shore support facilities for offshore oil and gas exploration or development. The "Fishing Commercial" land use designation is applied to certain lands in Bodega Bay, in the existing Coastal Plan, but that category is intended to apply to "a variety of commercial, light industrial and service uses which support the commercial fishing industry" rather than industry associated with offshore oil development.

The County proposes in the subject Coastal Plan revision to add some additional background text regarding offshore oil exploration and development, as well as on-shore support facilities for such development (p. 194). The proposed text describes the approval by the voters of Sonoma County of a ballot initiative, Ordinance 3592R, that

requires voter approval of any future proposed Coastal Plan Amendment that would allow on-shore support facilities for offshore oil and gas exploration or development. The proposed text also summarizes the results of a study entitled "Offshore Oil Development: Onshore Support Facilities Feasibility Study", compiled in 1991. This study concluded that "No suitable sites exist within the coastal zone for industrial onshore oil and gas support facilities." The Commission interprets the inclusion of the summary of this 1991 study as background for the proposed new Recommendation #37 (p. 198), discussed further below, rather than as policy language in itself.

Turning to Outer Continental Shelf Recommendation #37, that proposed policy would state as follows:

> Recommendation 37. Require a Coastal Plan Amendment for any proposed on-shore facility to support off-shore oil and gas exploration of development. Any such amendment shall not be effective until a majority of the electors in Sonoma County, in a general or special election, approve the proposed amendment.

Discussion. The Coastal Act encourages the grouping of coastal-dependent industrial facilities in existing locations, in order to minimize the potential adverse impacts of locating new industrial facilities in parts of the coastal zone now devoted to agriculture, open space, or recreation. Section 30260 also provides, however, that new or expanded coastal-dependent industrial facilities may be located outside existing sites, if three tests are met. The first of these is that the Commission or local government must find that alternative sites are infeasible or more environmentally damaging than the proposed project. The second finding that the coastal permitting agency must make is that to do otherwise than approve the proposed project would be adversely affect the public welfare. The third finding is that adverse environmental effects of the project are mitigated to the maximum extent feasible. The third finding requires mitigation of adverse impacts, but not complete avoidance of impacts. Thus, the Coastal Act allows, in limited circumstances, the approval of coastal-dependent industrial facilities that carry with them some adverse environmental effects, as long as they are mitigated to the maximum extent feasible and the other required findings can be made.

The Commission has found that offshore oil development and production are coastal-dependent industrial activities. On-shore support facilities for offshore oil and gas development and production, on the other hand, may or may not be coastal-dependent, depending on the type of use. For instance, a dock for transfer of supplies and personnel to and from offshore oil platforms would probably be considered as coastal-dependent, because it would require a location on the shoreline to function at all. Processing facilities for oil transported from offshore, on the other hand, might not be considered coastal-dependent, because such facilities could be located outside the coastal zone.

An outright ban on coastal-dependent industrial facilities would not be consistent with Section 30260 of the Coastal Act. However, the proposed revisions to the Coastal Plan do not propose such a ban. Instead, the proposed revisions discourage the future location of on-shore support facilities, which might in some cases be coastal-dependent. The background text proposed by Sonoma, citing the 1991 study of the feasibility of on-shore support facilities, sends a strong message that such facilities are not suitable in the Sonoma County coastal zone.

If that statement were stated in the form of a policy that would be applicable to new projects through the coastal development permit review process, it might constitute a ban on on-shore support facilities. However, Sonoma County has not proposed such a ban. Instead, the County simply proposes to require an amendment to the Coastal Plan for any future proposed on-shore oil and gas support facility. Such an amendment would require Coastal Commission review, as an LCP amendment, and the Commission would have the opportunity to review the proposed amendment for its consistency with Section 30260 and other policies of Chapter 3 of the Coastal Act.

Section 30515 of the Coastal Act allows, in specified circumstances, a person proposing an energy facility development to file a request to the Coastal Commission to amend a Local Coastal Program, if a local government does not first approve such a request. The policy proposed by the County does not provide for such an amendment, because it states that an amendment shall become effective only upon approval of the electorate, whereas in certain circumstances, the Commission may approve such an amendment. Therefore, the Commission suggests **Modification #13** to provide for the possibility of a Commission-approved amendment. As modified, the Commission finds that the addition of policy #37 to the Coastal Plan regarding on-shore support facilities is consistent with the policies of Chapter 3 of the Coastal Act.

PART V: STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS FOR THE COASTAL ZONING ORDINANCE AND COASTAL ADMINISTRATIVE MANUAL

MOTION III: *I move that the Commission reject the Sonoma County Implementation Program Amendment #2-99 as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a YES vote. Passage of this motion will result in rejection of the Implementation Program amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment #2-99 submitted by Sonoma County and adopts the findings set forth below on grounds that the Implementation Program as submitted is not consistent with and/or is not adequate to carry out the provisions of the certified Land Use Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

MOTION IV: *I move that the Commission certify the Sonoma County Implementation Program Amendment #2-99 if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Sonoma County Implementation Program Amendment #2-99 if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications will be consistent with and adequate to carry out the requirements of the certified Land Use Plan. Certification of the Implementation Program if modified as suggested complies with the

California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

Table 2: Summary of Issues Raised by the Implementation Program (Coastal Zoning Ordinance and Coastal Administrative Manual)

Issue Summary	Location of Coastal Zoning Ordinance Section	Staff Recommended Change	# of Suggested Modification
Issue #1: The proposed Coastal Zoning Ordinance would apply policies of the General Plan, rather than the Coastal Plan, to new development	"Housing opportunity area" in **Sec. 26C-12 – Definitions**	Add reference to Coastal Plan to the definition	Mod # 15
	"Residential density" in **Sec. 26C-12 Definitions**	Substitute "Coastal Plan" for "General Plan" in the definition	Mod # 16
	LIA district: Sec. 26C-22 intro, (a) Sec. 26C-22 (g) (2) **LEA district:** Sec. 26C-32 intro, (a) Sec. 26C-32 (g) (2) **DA district:** Sec. 26C-42 intro, (a) Sec. 26C-42 (b) (1) and (2) Sec. 26C-42 (g) (2) **RRD district:** Sec. 26C-52 intro, (a) Sec. 26C-52 (h)(2) **RRDWA district:** Sec. 26C-62 intro, (a) Sec. 26C-62 (h)(a) **TP district:** Sec. 26C-70 (b)(2) Sec. 26C-74 (d)(2)	Where both General Plan and Coastal Plan criteria or designations are applied, or where unspecified General Plan criteria are stated to take precedence, clarify that standards of the Coastal Plan must be met	Mod # 17

Issue Summary	Location of Coastal Zoning Ordinance Section	Staff Recommended Change	# of Suggested Modification
Issue #1 (cont.): The proposed Coastal Zoning Ordinance would apply policies of the General Plan, rather than the Coastal Plan, to new Development	**AR district:** Sec. 26C-82 intro. (a) Sec. 26C-82 (h)(2) **RR district:** Sec. 26C-91 (b)(1) and (2) Sec. 26C-92 (a) Sec. 26C-92 (h)(2) **R1 district:** Sec. 26C-102 intro, (a) Sec. 26C-102 (j)(2) **R2 district:** Sec. 26C-110 (a)(1) Sec. 26C-112 intro, (a) Sec. 26C-112 (k)(2) **PC district:** Sec. 26C-122 (k) Sec. 26C-125 intro, (a) Sec. 26C-125 (h)(2)	Where both General Plan and Coastal Plan criteria or designations are applied, or where unspecified General Plan criteria are stated to take precedence, clarify that standards of the Coastal Plan must be met	Mod # 17
	CS district: Sec. 26C-132 intro Sec. 26C-132 (g)(2) **CT district:** Sec. 26C-142 intro Sec. 26C-142 (h)(2) **AS district:** Sec. 26C-162 intro Sec. 26C-162 (g)(2) **PF district:** Sec. 26C-184 (g)(2)		

Issue Summary	Location of Coastal Zoning Ordinance Section	Staff Recommended Change	# of Suggested Modification
Issue #1 (cont.): The proposed Coastal Zoning Ordinance would apply policies of the General Plan, rather than the Coastal Plan, to new Development		Where specified General Plan policies are named, add the General Plan policies to the Coastal Plan:	Mod # 14
	LIA district:		
	Sec. 26C-20 (a)(5)	Pol AR-5c, AR-5d
	Sec. 26C-20 (c)	Obj AR-4.1, Pol AR-4a
	Sec. 26C-21 (b)(7)	Pol AR-5e, AR-5f
	Sec. 26C-21 (b)(8)	Pol AR-5e, AR-5f
	Sec. 26C-21 (b)(10)	Pol AR-6d, AR-6d
	Sec. 26C-21 (b)(11)	Pol AR-6d, AR-6d
	Sec. 26C-21 (c)	Obj AR-4.1, Pol AR-4a
	Sec. 26C-21 (c)(3)	Pol LU-6f
	Sec. 26C-21 (c)(5)	Pol PF-2s
	Sec. 26C-21 (c)(10)	Pol PF-2q, PF2r
	Sec. 26C-22 (b)	Pol AR-8c
	LEA district:	
	Sec. 26C-30 (a)(5)	Pol AR-5c, AR-5d
	Sec. 26C-30 (c)	Pol AR-4.1, AR-4a
	Sec. 26C-31(b)(7)	Pol AR-5e, AR-5f
	Sec. 26C-31(b)(8)	Pol AR-5e, AR-5f
	Sec. 26C-31(b)(10)	Pol AR-6d, AR-6g
	Sec. 26C-31(b)(11)	Pol AR-6d, AR-6g
	Sec. 26C-31(c)	Obj AR-4.1, Pol AR-4a
	Sec. 26C-31(c)(3)	Pol LU-6f
	Sec. 26C-31(c)(7)	Pol AR-6e
	Sec. 26C-31(b)(9)	Pol PF-2s
	Sec. 26C-31(b)(14)	Pol PF-2q, PF-2r
	Sec. 26C-32(b)	Pol AR-8c, AR-3b

Issue Summary	Location of Coastal Zoning Ordinance Section	Staff Recommended Change	# of Suggested Modification
Issue #1 (cont.): The proposed Coastal Zoning Ordinance would apply policies of the General Plan, rather than the Coastal Plan, to new Development		Where specified General Plan policies are named, add the General Plan policies to the Coastal Plan:	Mod # 14
	DA district: Sec. 26C-40 (a)(5) Sec. 26C-40 (c) Sec. 26C-41 (b)(7) Sec. 26C-41 (b)(8) Sec. 26C-41 (b)(10) Sec. 26C-41 (b)(11) Sec. 26C-41 (c) Sec. 26C-41 (c)(3) Sec. 26C-41 (c)(7) Sec. 26C-41 (c)(9) Sec. 26C-41 (c)(14) Sec. 26C-42 (b)	 Pol AR-5c, AR-5d Obj AR-4.1, Pol AR-4a Pol AR-5e, AR-5f Pol AR-5e, AR-5f Pol AR-AR-6d, AR-6g Pol AR-6d, AR-6g Obj AR-4.1, Pol AR-4a Pol LU-6f Pol AR-6e Pol PF-2s Pol PF-2q, PF-2r Goal AR-3, AR-4, Obj AR-3.1, AR-3.2, Pol AR-3c, AR-3e, AR-4a, AR-8c	
	RRD district: Sec. 26C-51 (c)(6) Sec. 26C-51 (c)(17) **RRDWA district:** Sec. 26C-61 (c)(14) **AR district:** Sec. 26C-81 (c)(6 Sec. 26C-81 (c)(7) Sec. 26C-81 (c)(9)	 Pol LU-6f Pol PF-2q, PF-2r Pol PF-2q, PF-2r Pol LU-6e Pol LU-6f Pol PF-2s	

Issue Summary	Location of Coastal Zoning Ordinance Section	Staff Recommended Change	# of Suggested Modification
Issue #1 (cont.): The proposed Coastal Zoning Ordinance would apply policies of the General Plan, rather than the Coastal Plan, to new Development		Where specified General Plan policies are named, add the General Plan policies to the Coastal Plan:	Mod # 14
	RR district: Sec. 26C-91 (d)(3) Sec. 26C-91 (d)(5) Sec. 26C-91 (d)(7)	 Pol LU-6e Pol LU-6f Pol PF-2s	
	R1 district: Sec. 26C-100 (a)(2) Sec. 26C-100 (a)(3) Sec. 26C-100 (b)(1) Sec. 26C-101 (b)(3) Sec. 26C-101 (c)(7)	 Pol HE-2q Pol HE-4p HE Sec. 3.1, 3.1.1, Pol HE-3i Pol HE-2b Pol PF-2s	
	R2 district: Sec. 26C-110 (a)(4) Sec. 26C-111 (b)(1) Sec. 26C-111 (c)(6)	 Pol HE-4p Pol HE-3i Pol PF-2s	
	PC district: Sec. 26C-123 (h)(6) Sec. 26C-123(j)	 Land Use Element Sec. 2.3.1, 2.3.2, 2.3.3, 2.3.4 Pol PF-2s	
	CS district: Sec. 26C-131 (3)(11)	 Pol PF-2s	
	CT district: Sec. 26C-141 (c)(9)	 Pol PF-2s	

Issue Summary	**Location of Coastal Zoning Ordinance Section**	**Staff Recommended Change**	**# of Suggested Modification**
Issue #1 (cont.): The proposed Coastal Zoning Ordinance would apply policies of the General Plan, rather than the Coastal Plan, to new Development	**AS district:** Sec. 26C-161 (c)(4) **CF district:** Sec. 26C-171 (c)(6)	Where specified General Plan policies are named, add the General Plan policies to the Coastal Plan: Pol PF-2s Pol PF-2s	Mod # 14
Issue #2: The Coastal Zoning Ordinance would allow more residential units on agricultural parcels than allowed by the Coastal Plan	**LIA district:** Sec. 26C-22 (a) **LEA district:** Sec. 26C-32 (a) **DA district:** Sec. 26C-42 (a) **RRD district:** Sec. 26C-52 (a) **RRDWA district:** Sec. 26C-62 (a)	Add to the Coastal Zoning Ordinance a provision allowing a maximum of 4 residential units, per parcel, consistent with the Coastal Plan (pp. 45 and 53)	Mod # 20
Issue #3: If the Coastal Plan affordable housing policies are modified as suggested, then accompanying Coastal Zoning Ordinance changes will be required	Sec. 26C-320 (i) Sec. 26C-326 Sec. 26C-326.1 Sec. 26C-326.2 Sec. 26C-326.3 Article 10 – R1 district Article 11 – R2 district Article 12 – PC district (other sections of the Ordinance, if required)	Conform Coastal Zoning Ordinance to affordable housing policies of Coastal Plan	Mod # 25

Issue Summary	Location of Coastal Zoning Ordinance Section	Staff Recommended Change	# of Suggested Modification
Issue #4: The Coastal Zoning Ordinance would allow golf courses on agricultural land, although the Coastal Plan does not	**LIA district:** Sec. 26C-21 (c)(16) **LEA district:** Sec. 26C-31 (c)(20) **DA district:** Sec. 26C-41 (c)(21)	Delete golf courses and driving ranges from the lists of allowable uses for the LIA, and LEA, and DA zoning districts	Mod # 21
Issue #5: The Coastal Zoning Ordinance would allow campgrounds, and guest ranches with inns up to 30 units on certain agricultural lands	**LEA district:** Sec. 26C-31 (c)(4), (8) **DA district:** Sec. 26C-41 (c)(4), (8)	Delete 30-space campgrounds and 30 unit guest ranches and inns from lists of allowable uses for LEA & DA districts	Mod # 23
Issue #7: The Coastal Zoning Ordinance would allow more than one Principal Permitted Use per parcel	**LIA district:** Sec. 26C-20 (c) **LEA district:** Sec. 26C-30 (c) **DA district:** Sec. 26C-40 (c)	Exclude from list of Principal Permitted Uses those developments not clearly related to the purpose of the district	Mod # 19

Issue Summary	Location of Coastal Zoning Ordinance Section	Staff Recommended Change	# of Suggested Modification
Issue #7 (cont.): The Coastal Zoning Ordinance would allow more than 1 Principal Permitted Use	**RRD district:** Sec. 26C-50 (c) **RRDWA district:** Sec. 26C-60 (c) **TP district:** Sec. 26C-70 (c) **AR district:** Sec. 26C-80 (c) **RR district:** Sec. 26C-90 (d), (e) **R1 district:** Sec. 26C-100 (c) **R2 district:** Sec. 26C-110 (c), (d)	Exclude from list of Principal Permitted Uses those developments not clearly related to the purpose of the district	Mod # 19
Issue #8: Inappropriate limitations would be placed on hotels in commercial districts	**CS district:** Sec. 26C-131 (c)(1) **CT district:** Sec. 26C-141(b)(6) **C2 district:** Sec. 26C-151 (b)(6)	Remove unnecessary restrictions on visitor-serving uses in commercial uses in commercial zoning districts, as requested by the County	Mod # 24

Issue Summary	Location of Coastal Zoning Ordinance Section	Staff Recommended Change	# of Suggested Modification
Issue #9: The Coastal Zoning Ordinance lacks feasible water quality protection standards	Article 38 Site Development and Erosion control standards	Add additional standards	Mod # 22
Issue #10: The Coastal Zoning Ordinance appears to allow larger minimum lot sizes for agricultural lands than does the Coastal Plan	Sec. 26C-22 (b) Sec. 26C-32 (b) Sec. 26C-42 (b) Sec. 26C-52 (b) Sec. 26C-62 (b)	Clarify the minimum lot size for creation of new lots, consistent with the Coastal Plan	Mod #26
	Zoning Maps	Add a note to the maps clarifying the meaning of the number assigned by the "B" combining district	Mod #27
Issue # 11: Miscellaneous minor errors and corrections are appropriate in the Coastal Zoning Ordinance	Article 2 – LIA district, "Purpose statement"	Change "low" production to "high" production	Mod # 18
	Sec. 325.1 (d) – Procedure for Second Unit Applications	Change "coastal/use permit" to "use permit"	Mod #28
	Sec. 26C-5 – Applicability of Chapter to Governmental Units	Include projects of the County of Sonoma in coastal permit review	Mod #29

Issue Summary	Location of Coastal Zoning Ordinance Section	Staff Recommended Change	# of Suggested Modification
Issue # 11 (cont): Miscellaneous minor errors and corrections are appropriate in the Coastal Zoning Ordinance	Attachment B to the Coastal Administrative Manual	Maintain existing Categorical Exclusion Order #E-81-5, until such time as the Commission certifies a new or amended order	Mod #31
	Attachment S to the Coastal Administrative Manual	Update references to the California Code of Regulations	Mod #32

PART VI: SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PROGRAM (COASTAL ZONING ORDINANCE AND COASTAL ADMINISTRATIVE MANUAL)

Note: the Commission suggests adding to the Implementation Program the text that is underlined and deleting the text with ~~strikethrough~~.

Modification #15

The definition of "housing opportunity area" contained in **Section 26C-12 - Definitions** of the Coastal Zoning Ordinance shall be modified to read as follows:

> A parcel or parcels of land whereon a project is proposed that provides affordable housing pursuant to Housing Element Policy HE-2g as modified by the Coastal Plan.

Modification #16

The definition of "residential density" contained in **Section 26C-12 – Definitions** of the Coastal Zoning Ordinance shall be modified to read as follows:

> The number of dwelling units per acre or the number of acres per dwelling unit as shown in the ~~General Plan Land Use Element~~ Coastal Plan.

Modification #17

Clarify in the following sections of the Coastal Zoning Ordinance that, to approve development, the standards of the Coastal Plan (in addition to or in place of the standards of the General Plan) must be met. For instance, for the LIA district, Sec. 26C-22 – Introduction and Sec. 26C-22 (g)(2) shall be revised as follows:

> **Section 26C-22. Permitted Residential Density and Development Criteria.**
>
> The use of land and structures within this district is subject to this article, the general regulations of this ordinance, and the provisions of any district which is combined herewith. Policies and criteria of the General Plan and Coastal Plan shall supersede the standards herein. Development shall comply with Coastal Plan policies.
>
> **…**
>
> (g) Environmental and Hazards Requirements.
>
> **…**
>
> (2) All development shall be subject to Site Development and Erosion Control Standards. These standards are to be used as the minimum standards for development in the Coastal Zone. Where both these standards and the policies of the Coastal Plan apply to a development, the policies of the Coastal Plan shall take precedence over these standards. Where the

policies and standards of the General Plan are more restrictive than those of the Coastal Plan or any of the standards below, the General Plan standards and policies shall apply. Development shall comply with Coastal Plan policies.

Parallel changes shall be made to the text of the Coastal Zoning Ordinance for the other districts, as listed below:

LIA district:
Sec. 26C-22 intro, (a)
Sec. 26C-22 (g) (2)

LEA district:
Sec. 26C-32 intro, (a)
Sec. 26C-32 (g) (2)

DA district:
Sec. 26C-42 intro, (a)
Sec. 26C-42 (b)(1) and (2)
Sec. 26C-42 (g)(2)

RRD district:
Sec. 26C-52 intro, (a)
Sec. 26C-52 (h)(2)

RRDWA district:
Sec. 26C-62 intro, (a)
Sec. 26C-62 (h)(2)

TP district:
Sec. 26C-70 (b)(2)
Sec. 26C-74 (d)(2)

AR district:
Sec. 26C-82 intro, (a)
Sec. 26C-82 (h)(2)

RR district:
Sec. 26C-91 (b)(1), (2)
Sec. 26C-92 intro, (a)
Sec. 26C-92 (h)(2)

R1 district:
Sec. 26C-102 intro, (a)
Sec. 26C-102 (j)(2)

R2 district:
Sec. 26C-110 (a)(1)
Sec. 26C-112 intro, (a)
Sec. 26C-112 (k)(2)

PC district:
Sec. 26C-122 (k)
Sec. 26C-125 intro, (a)
Sec. 26C-125 (h)(2)

CS district:
Sec. 26C-132 intro
Sec. 26C-132 (g)(2)

CT district:
Sec. 26C-142 intro
Sec. 26C-142 (h)(2)

AS district:
Sec. 26C-162 intro
Sec. 26C-162 (g)(2)

CF district:
Sec. 26C-172 intro
Sec. 26C-172 (g)(2)

PF district:
Sec. 26C-184 (g)(2)

Modification #18

The Purpose statement in Article 2, LIA – Land Intensive Agriculture District shall be corrected as follows:

> Purpose: To enhance and protect lands best suited for permanent agricultural use and capable of relatively ~~low~~ high production per acre of land; and to implement the provisions of the Land Intensive Agriculture land use category (Section 2.7.2) of the General Plan and the policies of the Agricultural Resources Element.

Modification #19

Section 26C-2 Composition of Zoning Ordinance, part (c) shall be revised as follows:

> The Coastal Act requires definition of Principal Permitted Uses which clearly carry out the intent and purpose of each zoning district utilized in the coastal zone. Any development that is not designated as a Principal Permitted Use is appealable to the Coastal Commission.
>
> Principal Permitted Uses are those uses listed under the heading "Uses permitted subject to site development and erosion control standards" within each zoning district~~.~~, with the following exceptions:

LIA - Land Intensive Agriculture: 26C-20 (c)
LEA – Land Extensive Agriculture: 26C-30 (c)
DA – Diverse Agriculture: 26C-40 (c)
RRD – Resources and Rural Development: 26C-50 (c)
RRDWA – Resources and Rural Development: 26C-60 (c)
TP – Timberland Production: 26C-70 (c)
AR – Agriculture and Residential: 26C-80 (c)
RR – Rural Residential: 26C-90 (d), (e)
R1 – Low Density Residential: 26C-100 (c)
R2 – Medium Density Residential: 26C-110 (c), (d)

Notwithstanding the above, additional dwellings beyond one single-family dwelling on parcels zoned LIA, LEA, DA, RRD, RRDWA, and TP are not considered to be Principal Permitted Uses.

Alternatively, the County may revise each zoning district to clarify that the Principal Permitted Use does not include the items listed above.

The definition of "Principal Permitted Use" contained in Sec. 26C-12 Definitions shall also be revised to be consistent with these changes.

Modification #20

Section 26C-22 Permitted Residential Density and Development Criteria, part (a), of the Coastal Zoning Ordinance shall be amended as follows (and parallel changes shall be made to the text of the LEA, DA, RRD, and RRDWA districts):

Density: Residential density shall be between 20 and 100 acres per dwelling unit as shown in the General Plan land use element or permitted by a "B" combining district, whichever is more restrictive. However, dwelling units described in Section 26C-20(b)(2) through (7) inclusive may be permitted in addition to the residential density, provided that no more than four residential units shall be approved per parcel.

Modification #21

For the following zoning districts, delete the indicated subsections (that would otherwise allow golf courses and driving ranges) and renumber the remaining subsections:

LIA district, Section 26C-21 (c)(16)
LEA district, Section 26C-31 (c)(20)
DA district, Section 26C-41 (c)(21).

Modification #22

(This suggested modification proposes changes to Article 38 – Site Development and Erosion Control Standards, regarding the protection of coastal water quality. Because of its length, this suggested modification is not reproduced here. See Attachment #8 for the complete text of Article 38, including the suggested modification.**)**

Modification #23

For the following zoning districts, delete the indicated subsections (that would otherwise allow campgrounds with up to 30 sites and guest ranches and country inns with up to 30 units) and renumber the remaining subsections:

LEA district, Section 26C-31, (c)(4), (8)
DA district, Section 26C-41 (c)(4), (8)

Modification #24

Revise the CS, CT, and C2 districts in the Coastal Zoning Ordinance to remove unnecessary restrictions on visitor-serving uses in commercial zoning districts.

The CS – Rural Services district, Section 26C-131(c)(1), shall be revised as follows:

(1) Hotels, motels, inns, and guest ranches which are not located within designated Village Commercial areas in the Coastal Plan ~~and further provided that any use permit granted to an operator of a guest ranch/inn to serve food to other than overnight guests is subject to the following limitations:~~

~~a. Dining for other than overnight guests may be allowed only in conjunction with a guest ranch/inn with a minimum of six (6) overnight guest rooms.~~

~~b. The number of overnight rooms plus the number of outside dining patrons cannot exceed 30.~~

~~c. The number of outside dining guests allowed will be determined at the time of use permit consideration based on the formula list in subsection 2 above. Guest ranch/inn proprietors may serve one meal only per day to the established allowable number of outside patrons. Such dining arrangements must be made by reservation only.~~

~~d. Dining for other than overnight guests may be allowed only in conjunction with guest ranches/inns located east of Highway One.~~

~~e. Advertising of dining facilities to serve patrons other than overnight guests at guest ranches/inns shall be prohibited.~~

~~f. Approved on-site signs for guest ranches/inns may include no reference to dining facilities.~~

~~g. Non-amplified music, lawn parties, weddings, or similar outdoor activities may be allowed where specifically included in the use permit.~~

The CT – Tourist Commercial district, Section 26C-140 (a)(1), shall be revised as follows:

(1) Hotels, motels, inns, resorts, and guest ranches up to 15 units which are not located within designated Village Commercial areas in the Coastal Plan~~, and further provided that any permit granted to an operator of a guest ranch/inn to serve food to other than overnight guests is subject to the following limitations:~~

~~a. Dining for other than overnight guests may be allowed only in conjunction with a guest ranch/inn with a minimum of six (6) overnight guest rooms.~~

~~b. The number of overnight rooms plus the number of outside dining patrons cannot exceed 30.~~

~~c. The number of outside dining guests allowed will be determined at the time of use permit consideration based on the formula list in subsection 2 above. Guest ranch/inn proprietors may serve one meal only per day to the established allowable number of outside patrons. Such dining arrangements must be made by reservation only.~~

~~d. Dining for other than overnight guests may be allowed only in conjunction with guest ranches/inns located east of Highway One.~~

~~e. Advertising of dining facilities to serve patrons other than overnight guests at guest ranches/inns shall be prohibited.~~

~~f. Approved on-site signs for guest ranches/inns may include no reference to dining facilities.~~

The CT – Tourist Commercial district, Section 26C-141 (b)(6), shall be revised as follows:

(6) Hotels, motels, inns, resorts, and guest ranches of 16 or more units which are not located within Village Commercial areas in the Coastal Plan and subject, at a minimum, to a limit of 200 rooms in designated urban service areas, 100 rooms in rural areas which are serviced by public sewer, and a limit of 50 rooms otherwise, ~~and further provided that any use permit granted to an operator of a guest ranch/inn to serve food to other than overnight guests is subject to the following limitations:~~

~~a. Dining for other than overnight guests may be allowed only in conjunction with a guest ranch/inn with a minimum of six (6) overnight guest rooms.~~

~~b. The number of overnight rooms plus the number of outside dining patrons cannot exceed 30.~~

~~c. The number of outside dining guests allowed will be determined at the time of use permit consideration based on the formula list in subsection 2 above. Guest ranch/inn proprietors may serve one meal only per day to the established allowable number of outside patrons. Such dining arrangements must be made by reservation only.~~

~~d. Dining for other than overnight guests may be allowed only in conjunction with guest ranches/inns located east of Highway One.~~

~~e. Advertising of dining facilities to serve patrons other than overnight guests at guest ranches/inns shall be prohibited.~~

~~f. Approved on-site signs for guest ranches/inns may include no reference to dining facilities.~~

~~g. Non amplified music,…~~

The C2 - Community Commercial district, Section 26C-151 (b)(1), shall be revised as follows:

(1) Hotels, motels, guest ranches, inns, churches, clubs and lodges, which are not located within designated Village Commercial areas in the Coastal Plan~~, and further provided that any use permit granted to an operator of a guest ranch/inn to serve food to other than overnight guests is subject to the following limitations:~~

~~a. Dining for other than overnight guests may be allowed only in conjunction with a guest ranch/inn with a minimum of six (6) overnight guest rooms.~~

~~b. The number of overnight rooms plus the number of outside dining patrons cannot exceed 30.~~

~~c. The number of outside dining guests allowed will be determined at the time of use permit consideration based on the formula list in subsection 2 above. Guest ranch/inn proprietors may serve one meal only per day to the established allowable number of outside patrons. Such dining arrangements must be made by reservation only.~~

~~d. Dining for other than overnight guests may be allowed only in conjunction with guest ranches/inns located east of Highway One.~~

~~e. Advertising of dining facilities to serve patrons other than overnight guests at guest ranches/inns shall be prohibited.~~

~~f. Approved on site signs for guest ranches/inns may include no reference to dining facilities.~~

~~g. Non-amplified music, lawn parties, weddings, or similar outdoor activities may be allowed where specifically included in the use permit.~~

Modification #25

The Coastal Zoning Ordinance shall be revised to conform with the affordable housing provisions of the Coastal Plan, as modified by Suggested Modifications #1 through 4. Revisions shall include designation of Housing Opportunity Areas in areas designated by the Coastal Plan as "Medium Density Residential" rather than "Urban Residential" and replacement of references to the "General Plan" with references to the "Coastal Plan". Revisions shall be made to the following sections of the Coastal Zoning Ordinance, in addition to any others that may be required to fully conform the Ordinance with the Coastal Plan, as modified:

Sec. 26C-320 (I) Density Bonus
Sec. 26C-326 Affordable Housing: Requirements for Long-term Affordability and Design and Construction
Sec. 26C-326.1 Affordable Housing: Density Bonus
Sec. 26C-326.2 Affordable Housing: Housing Opportunity Areas
Sec. 26C-326.3 Affordable Housing: Deferral of Payment of Development Fees
Article 10 – R1 - Low Density Residential District
Article 11 – R2 - Medium Density Residential District
Article 12 – PC - Planned Community District

Modification #26

Section 26C-22 (b) shall be revised as follows:

(b) Minimum lot size: The minimum lot size for creation of new parcels shall be ~~20 acres~~ 640 acres, unless a different area is permitted by any "B" combining district, provided that it shall also meet the criteria of General Plan Policy AR-8c. ~~In such cases where lots are clustered, a protective easement shall be applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area.~~

Section 26C-32 (b) shall be revised as follows:

(b) Minimum lot size: The minimum lot size for creation of new parcels shall be ~~1.5~~ 640 acres, unless a different area is provided by a "B" combining district, provided that it shall also meet the criteria of General Plan Policies AR-8c and AR-3b. ~~In such cases where lots are clustered, a protective easement shall be applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area.~~

Section 26C-42 (b) shall be revised as follows:

(b) Minimum lot size: The minimum lot size for creation of new parcels shall be ~~10~~ 160 acres, unless a different area is permitted by a "B" combining district~~, except ...~~

~~(1) ...where General Plan area policies expressly provide for a different minimum lot size, or~~

~~(2) ...where it is demonstrated that creation of smaller lots will further General Plan Goals AR-3 and AR-4, Objectives AR-3.1 and AR-3.2, and Policies AR-3c, AR-3e, and AR-4a, or in all such cases, the minimum lot size shall also meet the criteria of General Plan Policy AR-8c, and in such cases where lots are clustered, a protective easement shall be applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area.~~

Section 26C-52 (b) shall be revised as follows:

(b) Minimum lot size shall be ~~20~~ 640 acres, unless a different area is permitted by a "B" combining district~~, except that a minimum lot size of as low as 1.5 acres may be considered in order to provide for clustering of residential development provided that a protective easement is applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area~~.

Section 26C-62 (b) shall be revised as follows:

(b) Minimum lot size shall be ~~20~~ 640 acres, unless a different area is permitted by a "B" combining district~~, except that a minimum lot size of as low as 10 acres may be considered in order to provide for clustering of residential development provided that a protective easement is applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area. Any such subdivision must also comply with General Plan Policy AR-8c~~.

Modification #27

The following note shall be added to the Zoning Maps:

Where the B combining district provides two numbers, the smaller number indicates the average allowable residential density, and the larger number indicates the minimum parcel size for creation of new parcels. Where one number only is provided, the number indicates the minimum parcel size for creation of new parcels, while the Coastal Zoning Ordinance indicates the average allowable density.

Modification #28

Section 325.1 (d) – Procedure for Second Unit Applications shall be revised to replace references to "coastal/use permit" with "use permit".

Modification #29

Revise Section 26C-5 of the Coastal Zoning Ordinance as follows:

Sec. 26C-5 Applicability of Chapter to Governmental Units.

Provisions of this chapter shall apply to cities, special districts, the County of Sonoma, and state or federal governments or any agency of such governmental units, to the extent legally permissible. ~~The provisions of this Chapter shall not apply to public projects of the County of Sonoma.~~

Modification #30

Section 26C-340 of the Coastal Zoning Ordinance shall be revised as follows:

A coastal permit is required for any development occurring in the Coastal Zone, except as provided for in Section ~~26C-341~~ 26C-340.1. Development undertaken pursuant to a Coastal Permit shall conform to the plans, specifications, terms or conditions approved in granting the permit.

Modification #31

Attachment B to the **Coastal Administrative Manual** shall consist of the current Categorical Exclusion Order #E-81-5, as adopted by the Coastal Commission in 1981, until such time as an amended Exclusion Order or a different Order is approved by the Commission.

Modification #32

Items 5 through 8 on **Attachment S** to the **Coastal Administrative Manual** shall be revised as follows:

8. Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified in ~~Subchapter 7,~~ Title 14, California ~~Administrative~~ Code of Regulations and any amendments thereafter adopted.

9. Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978.

10. Improvements to existing single-family residences ~~provided that the structure is not located on a beach, wetland or seaward of the man high tide line, or within 50 feet of the edge of a coastal bluff, and that the improvement does not~~

~~exceed 10% of the floor area of the structure~~ except as otherwise specified in Title 14, California Code of Regulations.

11. Improvements to any structure other than a single family residence or a public works facility, except as otherwise specified ~~in Subchapter 7.5~~ Title 14 of the California ~~Administrative~~ Code of Regulations and any amendments thereafter.

PART VII. FINDINGS AND DECLARATIONS REGARDING PROPOSED AMENDMENTS TO THE IMPLEMENTATION PROGRAM

The Commission hereby finds and declares as follows:

A. Introduction.

The Implementation Program of the Sonoma County Local Coastal Program consists of several parts: the Coastal Zoning Ordinance, the zoning district maps, and the Coastal Administrative Manual. The Zoning district maps consist of Assessor's Parcel Maps that show the zoning for each parcel of land. The Coastal Administrative Manual describes the coastal development permit review process and includes Categorical Exclusion Order #E-81-5 that the Commission previously approved, excluding from the coastal permit requirement certain developments in Sonoma County (such as single-family residences on certain lots in the Bodega Harbour Subdivision).

B. Coastal Zoning Ordinance.

1. Structure of the Coastal Zoning Ordinance

The Coastal Zoning Ordinance requires that, prior to approval, the County shall determine that all new development in the coastal zone is consistent with the requirements of the Coastal Plan and the other components of the Local Coastal Program, as certified by the Commission. The Ordinance provides that no ministerial or discretionary permit shall be issued if such permit is inconsistent with the Coastal Plan (Sec. 26C-4(a)). The Ordinance provides also that "All development in the Coastal Zone shall be subject to the requirements of this ordinance and the Coastal Administrative Manual" (Sec. 26C-2(a)).

The Coastal Zoning Ordinance implements these general requirement by applying the "CC" combining district to all lands within the coastal zone (Sec. 26C-2(a)), thus requiring coastal development permit review, along with an appropriate use district designation and one or more combining districts that address particular resources, constraints and/or appropriate residential density.

The base districts include the following:

RR Districts	-	Rural Residential Districts
R1 Districts	-	Low Density Residential Districts
R2 Districts	-	Medium Density Residential Districts
C2 Districts	-	Community Commercial Districts
PC Districts	-	Planned Community Districts
PF Districts	-	Public Facilities Districts
TP Districts	-	Timberland Production Zone Districts
LIA Districts	-	Land Intensive Agriculture Districts
LEA Districts	-	Land Extensive Agriculture Districts
DA Districts	-	Diverse Agriculture Districts
RRD Districts	-	Resources and Rural Development Districts
RRDWA Districts	-	Resources and Rural Development (Agricultural Preserve) Districts

AR Districts	-	Agriculture and Residential Districts
AS Districts	-	Agricultural Services Districts
CS Districts	-	Rural Services Districts
CT Districts	-	Commercial Tourist Districts
CF Districts	-	Commercial Fishing Districts

The combining districts are as follows:

F1	Floodway Combining District
F2	Floodplain Combining District
J	Manufactured Home Exclusion Combining District
SR	Scenic Resource Combining District
BR	Biotic Resource Combining District
HD	Historic Combining District
G	Geologic Hazard Combining District
MR	Mineral Resource Combining District
Z	Second Unit Exclusion Combining District
B	B Combining District

The "B" combining district is of particular note, because it applies the residential density provisions of the Coastal Plan to individual parcels, using the zoning maps. A "B6" designation on the zoning map indicates the maximum permitted density, determined by gross acreage, for all residential uses. A "B7" or "B8" designation on the map indicates that a minimum parcel size has been specified on a subdivision map and, furthermore, that the lot has been "frozen" so as to restrict further subdivision. Such designation may be used where a cluster development has been approved, and a large remainder parcel is frozen so as to avoid future division that would increase overall density beyond that allowed by the Coastal Plan.

Consistent with the changes in terminology contained in the proposed Coastal Plan amendment, the revised Coastal Zoning Ordinance contains new names for some of the base and combining districts. For instance, "Land Intensive Agriculture" and "Land Extensive Agriculture" are proposed to replace the previous zoning districts known as "Exclusive Agriculture" and "Primary Agriculture".

The new names proposed for various zoning districts, in themselves, do not affect the ability of the CZO to carry out the requirements of the Coastal Plan. Because the new proposed district names match those utilized in the Coastal Plan, they are consistent with and adequate to carry the requirements of the Coastal Plan.

2. References to the General Plan in the Coastal Zoning Ordinance.

The Coastal Zoning Ordinance contains references throughout to General Plan policies, to Coastal Plan policies, or to both, requiring that development reviewed under the ordinance be found consistent with the policies of one or both Plans. These references are of three general types. First, in some places in the Coastal Zoning Ordinance, references to the General Plan are apparently intended to apply unspecified standards or criteria to the review of individual new development projects. For instance, the introduction to Sec. 26C-92 (Rural Residential District) states:

> The use of land and structures within this district is subject to this article, the applicable regulations of this ordinance and the provisions of any district which is combined herewith. Policies and criteria of the General Plan and Coastal Plan shall supersede the standards herein.

This passage indicates that criteria contained in both the General Plan and the Coastal Plan must be applied to the review of proposed developments. Because no particular criteria are cited, presumably all criteria of both the General Plan and Coastal Plan must be applied.

A second type of reference to the General Plan is found in Coastal Zoning Ordinance Sec. 26C-22 (g) Environmental and Hazards Requirements, subpart (2). This section states:

> All development shall be subject to Site Development and Erosion Control Standards. These standards are to be used as the minimum standards for development in the Coastal Zone. Where both these standards and the policies of the Coastal Plan apply to a development, the policies of the Coastal Plan shall take precedence over these standards. Where the policies and standards of the General Plan are more restrictive than those of the Coastal Plan or any of the standards below, the General Plan standards and policies shall apply.

This section provides generally that all development shall be subject to Site Development and Erosion Control Standards, and that these standards shall be used as a minimum for development in the coastal zone. The intent of this policy requirement appears to be consistent with the intent of the Coastal Plan to provide strong protections for environmental resources, including the quality of coastal waters and the health of biological resources. Section 26C-22 (g) goes on, however, to bring the policies and standards of the County's General Plan into the review of coastal developments, in fact, requiring the General Plan policies to take precedence over the Coastal Plan policies. Although the intent of LCP amendment #2-99 is to make the Coastal Plan consistent with the General Plan, the possibility exists that in the future amendments to the General Plan will be made, without accompanying amendments to the Coastal Plan. Thus there is no guarantee that the two plans will always remain synchronized. If policies and standards in the General Plan someday diverge from those in the Coastal Plan, then this requirement of the Coastal Zoning Ordinance would present a problem.

As in the first example above, specific General Plan standards are not identified in Sec. 26C-22 (g). Therefore, presumably all General Plan standards are intended by this ordinance provision to be applied to the review of development projects.

Because the General Plan has not been submitted, as a whole, for Commission review, application of General Plan standards, whether individually or cumulatively, to the review of coastal development permits raises a concern. The Local Coastal Program, including the Coastal Plan, Coastal Zoning Ordinance, and Coastal Administrative Manual, together form the regulatory standards against which new development are reviewed by the County and, on appeal, by the Commission. Standards contained in other documents that are not made part of the LCP, such as the General Plan, would not be part of the standard of review that the Commission would apply when reviewing a project on appeal, and thus the Commission would be in the position of applying different

standards to an appeal than would the County. Such would not be the outcome contemplated by the Coastal Act.

A third type of reference to the General Plan in the Coastal Zoning Ordinance is found in Section 26C-20 (a)(5), regarding allowable uses in the Land Intensive Agriculture district:

> Agricultural support services involving no more than one employee and occupying no more than one half (1/2) acre of land and subject, at a minimum to the criteria of General Plan Policies AR-5c and AR-5d. Such services may include incidental sales of products related to the support service use but shall not include additional walk-in, over-the-counter retail sales.

In this instance, specific General Plan policies are cited, enabling the Commission to review the policies for consistency with and the ability to carry out the Coastal Plan. Specific General Plan policies that are cited in the Coastal Plan are listed in Table 2, and these policies appear in Attachment #5 to this report. The cited policies are consistent with the goals of the Coastal Plan to maintain coastal agriculture and to protect other coastal resources.

The Commission therefore suggests the following method of addressing this issue. Rather than review and certify the entire General Plan as part of the LCP, which would be one option, the Commission suggests the following:

- Where the context indicates that unidentified General Plan policies are intended to be applied to the review of new development, or where the Coastal Zoning Ordinance states that unidentified General Plan policies shall take precedence over Coastal Plan policies, clarify that coastal permits must be reviewed against the standards of the Coastal Plan (see **Suggested Modification #17**);

- Where the Coastal Zoning Ordinance cites one or two specific General Plan policies by name or number and indicates that such policies shall be applied to the review of development projects, add such General Plan policies to the Coastal Plan (see **Suggested Modification #14**).

Finally, the Commission notes that a fourth instance exists of references in the Coastal Zoning Ordinance to the General Plan. Here the references are simply to the General Plan as providing the basic foundation for goals regarding new development. For instance, the Purpose statement which introduces each zoning district description includes a reference to the General Plan goals that the particular district seeks to carry out. As an example, the purpose statement for the RR – Rural Residential District states that it is intended "To preserve the rural character and amenities of those lands best utilized for low density residential development pursuant to Section 2.2.2 of the General Plan…" This statement describes the basis for the goal to provide low density residential development, rather than setting criteria that new residential development must meet. In such cases, the reference to the General Plan is primarily descriptive, and therefore such references do not raise an issue with respect to conformity with the Local Coastal Program. The Commission sees no need for suggested modifications to alter such general references to the General Plan.

3. Definitions (Article 1)

The revised CZO includes an expanded list of definitions that apply to various land use activities in the coastal zone. Some of these definitions are the same as the definitions proposed to be added to the Coastal Plan. For instance, the same definitions of "affordable housing project", "affordable ownership housing", and "affordable rental housing" are proposed to be added to the Coastal Zoning Ordinance, as well as to the Coastal Plan.

Other new definitions are proposed to be added to the CZO to define terms used throughout the ordinance, such as "agricultural production", "agricultural support service", or "biotic resources". The proposed new definitions do not represent policy requirements in themselves that would be applicable to new development. Instead, these definitions would make clearer and more specific the requirements of the Coastal Zoning Ordinance. For instance, a new definition is added for "height of buildings", explaining that height limits shall be measured as the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof (Sec.26C-12). In general, the proposed new definitions would act to strengthen the ability of the County to implement the requirements of the Local Coastal Program.

In a few instances, however, the proposed new definitions could create ambiguity, because of references to other documents not included in the Local Coastal Program, or for other reasons. Thus, the Commission suggests modifications to a few of the definitions, as described below, in order to assure internal consistency and clarity.

First, the proposed definition of "housing opportunity area" contains a reference to a policy of the Housing Element contained in the County's General Plan (Policy HE-2g). The Housing Element is not a part of the Local Coastal Program that is before the Coastal Commission. (A portion of Policy HE-2g is quoted in the proposed revisions to the Coastal Plan; see Section IV.B.4 of this report and **Suggested Modification #1**.) The Commission also suggests a modification (**Modification #15)** to the definitions in the Coastal Zoning Ordinance to make "housing opportunity area" consistent with the policies in the Coastal Plan. The Commission suggests modifying the definition of "housing opportunity area" to read as follows:

> A parcel or parcels of land whereon a project is proposed that provides affordable housing pursuant to Housing Element Policy HE-2g <u>as modified by the Coastal Plan</u>.

Secondly, the proposed definition of "residential density" in the Coastal Zoning Ordinance is as follows:

> Residential density. The number of dwelling units per acre or the number of acres per dwelling unit as shown in the General Plan Land Use Element.

This definition refers to the General Plan, which is not part of the Local Coastal Program, rather than the Coastal Plan. To avoid confusion or uncertainty, the Commission suggests modifying this definition (**Suggested Modification #16)** to refer to the density indicated in the Coastal Plan, instead of the General Plan. If modified as suggested, the

Definitions in the Coastal Zoning Ordinance would be consistent with and adequate to carry out the provisions of the Coastal Plan.

4. Agriculture (Articles 2 thru 6)

The existing zoning districts of "Exclusive Agriculture" and "Primary Agriculture" are proposed, in the revised Coastal Zoning Ordinance, to be replaced by "Land Intensive Agriculture" (LIA) and "Land Extensive Agriculture" (LEA) districts. The LIA district is intended "To enhance and protect lands best suited for permanent agricultural use and capable of relatively low production per acre of land…" (emphasis added; Article 2, purpose statement). The LEA district (Article 3) contains the same statement of purpose. It is clear from the contents of the two articles that Land Intensive Agriculture is intended to be applied to areas that have relatively high rather than low production per acre, and that the word "low" in Article 2 is a typographical error. The Commission suggests **Modification #18** to correct this error.

a) Issue: The Principal Permitted Use in Agricultural Zoning Districts

Land uses allowed in the LIA, LEA, and DA districts, among others, are divided into two categories: "Permitted Uses, Subject to Site Development and Erosion Control Standards" (Sec. 26C-20) and "Uses Permitted Requiring a Use Permit" (Sec. 26C-21). Those in the first category do not require a Use Permit, where those in the second category do require a Use Permit. (The headings for these two categories of uses suggest that only the first group of uses must meet the site development and erosion control standards, whereas in fact "All development shall be subject to Site Development and Erosion Control Standards", pursuant to Section 26C-22(g) of the Ordinance.) The need for a Use Permit means that uses in the second group are subject to a public hearing and discretionary decision, whereas uses in the first group may be reviewed administratively by County staff, without the necessity of a public hearing.

The distinction between the two groups of uses is particularly significant because the revised Coastal Zoning Ordinance states that those uses in the first category (that is, those uses subject only to Site Development and Erosion Control Standards, but not to a Use Permit) are considered as "Principal Permitted Uses", for purposes of potential appeal to the Coastal Commission:

> Sec. 26C-2 (c) **Principal Permitted Uses:**
>
> The Coastal Act requires definition of Principal Permitted Uses which clearly carry out the intent and purpose of each zoning district utilized in the coastal zone. Any development that is not designated as a Principal Permitted Use is appealable to the Coastal Commission.
>
> Principal Permitted Uses are those uses listed under the heading "Uses permitted subject to site development and erosion control standards" within each zoning district. Notwithstanding the above, additional dwellings beyond one single-family dwelling on parcels zoned LIA, LEA, DA, RRD, RRDWA, and TP are not considered to be Principal Permitted Uses.

The County's proposed division of uses in the LIA, LEA, and DA districts into two categories (and the parallel division of uses in other land use districts, as discussed below) creates an inconsistency with Coastal Act requirements regarding appealability of development. The Coastal Act provides in that regard:

> *30603. (a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:*
>
> **…**
>
> *(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).*

The Coastal Act provides for appealability of developments that are not the principal permitted use, thus intending a singular use, rather than a list of uses. By contrast, Articles 2, 3, and 4 of Sonoma County's proposed Coastal Zoning Ordinance, among others, provide for several different principal permitted uses, rather than just one. Where more than one such principal permitted use is listed by a coastal county zoning ordinance, then no single principal permitted use has been designated, and therefore none of the uses shall be interpreted by the Commission to be the principal permitted use. In other words, if more than one principal permitted use is listed by the County's zoning ordinance, then all uses listed will be appealable to the Coastal Commission.

This outcome would not fulfill the apparent intent of the County to provide for at least one use in each zoning district that would not be appealable to the Coastal Commission. Therefore, the Commission suggests **Modification #19** to specify the principal permitted use, for purposes of appeal to the Coastal Commission.

In so doing, the Commission recognizes that the term "use" may encompass more than one activity. For instance, if the principal permitted use is "agriculture", it is clear that this use includes a variety of activities, all of which are considered part of the principal permitted use. Sonoma County's proposed Coastal Zoning Ordinance lists a number of types of agricultural activities, for instance, such as the keeping of various types of farm animals, the raising of different kinds of crops, the keeping of bees, and the construction of one or more residences for the farm operator and or agricultural laborers.

Although the Commission considers a variety of agricultural activities to constitute a single use for purposes of defining appealability to the Commission, the Commission does not consider a non-agricultural activity, such as the holding of music festivals or other public events, or the operation of day care or community care facilities, to be part of the single, agricultural use of the property. The activities listed in parts (a) and (b) of Section 26C-20 all constitute an agricultural use, in that all the activities are either examples of agricultural pursuits or residential uses directly supportive of agriculture, including residences for the agricultural operator and other farm workers. Part (c) of Section 26C-20, in contrast, is recognized by the County to contain non-agricultural uses, by definition, and thus the activities listed in this section should be appealable to the Coastal Commission, along with the activities listed in Section 26C-21 that require a Use Permit. **Suggested Modification #19** would accomplish the necessary change to

the Coastal Zoning Ordinance by amending Section 26C-2 (c) of the Zoning Ordinance to indicate which uses, for each zoning district, are considered principal permitted uses, for purposes of possible appeal to the Coastal Commission. Alternatively, the County could revise each zoning district, to achieve the same result. The districts that would require change are: LIA, LEA, DA, RRD, RRDWA, TP, AR, RR, R1, and R2.

b) Residential density in the LIA, LEA, DA, RRD, and RRDWA districts

The proposed Coastal Zoning Ordinance raises another issue that involves the total amount of residential development that is potentially allowable on a given agricultural parcel. The Coastal Plan states that up to four residential units may be allowed on agricultural and other resource parcels (Land Use Recommendation #2, p. 53). The four residential units are allowable only for the purpose of housing family members and employees.

The proposed Coastal Zoning Ordinance, on the other hand, does not contain the specified maximum number of residential units. Several types of residential uses are noted as allowable, including one or more single-family dwellings, one detached farm dwelling (for family members) where a Williamson Act contract is in effect, and one or more dwelling units for full-time agricultural employees, depending on the size of the agricultural operation (Sec. 26C-20(b)(1) through (3)). Although perhaps not likely, a large farm could conceivably have more than four residential units, based on these three categories alone. Furthermore, the ordinance would allow seasonal or year-round farm worker housing and temporary travel trailers for farm workers.

The Commission notes that the additional residential units that are potentially allowable by the Coastal Zoning Ordinance are restricted to those that are truly related to the agricultural use of the property. For instance, where a detached farm family dwelling unit is allowed, an agricultural easement having a term equal to the useful life of the structure (and no less than 20 years) must be offered to the County. Furthermore, a covenant shall be recorded on the property's title, indicating that the dwelling will become a nonconforming residential use if the agricultural use of the property should cease in the future.

Furthermore, where dwelling units for full-time agricultural employees are allowed, the property owner must file an affidavit stating that the unit(s) shall be used to house persons employed on the premises for agricultural purposes, and a covenant shall be recorded on the property's title, indicating that the dwelling will become a nonconforming residential use if the agricultural use of the property should cease. These provisions assure that residential uses unrelated to the agricultural use of the property could not easily be approved, thus helping to assure the long-term priority for agricultural uses themselves. Nevertheless, the Coastal Plan establishes an upper limit on residential use on agricultural parcels, and the Coastal Zoning Ordinance must be consistent with and adequate to carry out this standard.

To carry out the intent of the Coastal Plan to limit the total number of residential units to four, the Commission suggests **Modification #20**. This modification would add an upper limit of four residential units per agricultural parcel, consistent with the Coastal Plan.

The Commission notes that the LIA, LEA, and DA zoning districts would allow one guest house per lot, in addition to the residential units discussed above. The Definitions found in Section 26C-12 make clear, however, that a guest house cannot include a kitchen or food preparation facilities. Thus, a guest house is not considered a residential use and is not subject to the limit of four residential units per resource parcel that is established by the Coastal Plan.

c) Allowable Residential Density and Minimum Parcel Size for Creation of New Lots in all Agricultural Districts

The Coastal Zoning Ordinance provides for a parcel-by-parcel designation of the minimum size for creation of new parcels in the LIA, LEA, and DA districts. For instance, the LEA district provides, in Sec. 26C-32 (b):

> (b) Minimum lot size: The minimum lot size for creation of new parcels shall be 1.5 acres, unless a different area is permitted by a "B" combining district, provided that it shall also meet the criteria of General Plan Policy AR-8c and AR-3b. In such cases where lots are clustered, a protective easement shall be applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area.

This section suggests that, in an LEA zoning district, new parcels as small as 1.5 acres could be created. The Coastal Plan, on the other hand, provides generally that the minimum parcel size for agricultural parcels should be either 160 or 640 acres, depending on the type of agriculture (see p. 45 of the Plan). Thus, the zoning provision appears to be inconsistent with the Coastal Plan.

The Zoning Ordinance also provides that the minimum lot size shall be determined by the "B" combining district, if applicable. Indeed, parcels in the LIA, LEA, and DA districts are designated on the zoning map with the "B" combining district. For parcels in these categories, two numbers are indicated on the zoning map, with a slash. For instance, a designation of "160/640" indicates that the maximum residential density is one unit per 160 acres, with a minimum parcel size of 640 acres for creation of new parcels. Most agricultural parcels designated as LIA, LEA, and DA are indicated as "160/640", or in a few cases "40/160" such as certain parcels in dairy use. These designations determine the actual allowable minimum parcel size, overriding the provision in Sec. 26C-32 (b) that would appear to allow parcels of as few as 1.5 acres to be created.

Although the Coastal Zoning Ordinance is arguably consistent with the Coastal Plan, in terms of designating the appropriate minimum parcel size for creation of new parcels, the provision for 1.5-acre parcels could be misleading. If the Ordinance is misleading, then it would not be adequate to carry out the provisions of the Coastal Plan. To assure that the Zoning Ordinance is fully consistent with, and adequate to carry out, the Coastal Plan, the Commission suggests **Modification #26** that would clarify the minimum parcel size for the agricultural districts. In most cases this minimum is 640 acres, although on certain parcels it is 160 acres. The modification also addresses minimum parcel size specified in Article 5 - RRD – Resources and Rural Development and Article 6 - RRDWA – Resources and Rural Development (Agricultural Preserve) districts, which are applied to certain agricultural lands in the coastal zone.

The text of Sec. 26C-32 (b) and certain other agricultural districts suggests that clustering of parcels is allowed. Although Sonoma County allows clustering of agricultural parcels outside the coastal zone in such a way that overall density is maintained while individual parcels may be created below the minimum parcel size, such clustering is not allowed by the Coastal Plan in the coastal zone. Therefore, the Commission also suggests deleting the references to clustering in the sections of Articles 2 through 6 that address minimum parcel size.

Finally, to make clear how the "B" combining district provisions that address minimum parcel size and residential density should be interpreted, the Commission suggests **Modification #27**. This modification would add a note to the Coastal Zoning Maps stating that where two numbers are provided, the smaller number indicates the average residential density that is allowable, and the larger number indicates the minimum parcel size for creation of new parcels. Where one number only is provided, it indicates the minimum parcel size for creation of new parcels, and the average density is indicated by the text of the Coastal Zoning Ordinance. With the modifications as suggested, the Zoning Ordinance and Zoning Maps will be consistent with and clearly carry out the density provisions of the Coastal Plan for agricultural lands.

d) Visitor-Serving Uses on Certain Agricultural Lands

The Coastal Zoning Ordinance proposes to allow, with a Use Permit, the following uses in LEA and DA (but not LIA) districts:

- Campgrounds with up to 30 sites;
- Bed and breakfast inns with 5 or fewer rooms, subject to various limitations
- Guest ranches and country inns up to 30 rooms, with various limitations including restaurants serving non-guests only under certain rules.

These uses are allowed by the existing, certified Coastal Zoning Ordinance. The Commission also approved a Local Coastal Program amendment (#1-86) on April 11, 1986 that clarified the definition of "country inn" and "guest ranch" and outlined use permit regulations for the approval of dining facilities for persons not staying at a country inn/guest ranch. The amendment approved at that time included a provision that the sum of overnight guests and outside dining patrons cannot exceed 30, and that restriction remains in the Coastal Zoning Ordinance at this time. Although the Commission has previously approved the County's Coastal Zoning Ordinance with provisions that allow up to 30 rooms for overnight guests, or a combination of such rooms and dining seats that equals 30, the possibility of visitor-serving uses of the scale proposed raises a potential issue with respect to the Coastal Plan.

The Coastal Plan recognizes that some visitor-serving uses may be appropriate on agricultural lands. For instance, Land Use Recommendation #1 in Chapter IV - Resources (p. 53) provides as follows:

> Encourage compatible, resource-related uses on designated resource lands. Such uses should not conflict with resource production activities. Residential, civic, and commercial uses should be located in existing communities or commercial centers as

> shown on the Land Use Plan. Some low-intensity visitor serving uses may be appropriate on resource lands if they are compatible with the resource use of the land.

In the Private Recreation section, General Recommendation #4 (p. 103) encourages provision of campgrounds, although not specifically on agricultural lands:

> Encourage the provision of low cost accommodations where appropriate, including tent or small vehicle campgrounds, hike-in and primitive campgrounds, hostel and sleeping cabin facilities. Utilize existing structures where feasible.

At the same time, the Coastal Plan emphasizes the need for resource compatibility and continued resource production for agricultural and other resource lands. The question, then, is whether campgrounds, bed and breakfast inns with up to 5 rooms, and guest ranches with up to 30 rooms are "low intensity", "compatible with the resource use of the land", and "appropriate".

The Commission finds that small inns with only a few rooms are low intensity uses that can be accommodated without conflicting with the basic use of land for agriculture. Such inns are found in many parts of the coastal zone, in Sonoma County as well as in other jurisdictions, and they do not undermine continuing agricultural operations, as long as the number of overnight units is very modest. In fact, small bed and breakfast operations can supplement agricultural income and thus help to support continued agricultural use of land, as long as the scale of the visitor-serving operation is so small that it does not become the dominant economic activity on a given parcel.

On the other hand, inns with up to 30 units and/or restaurants or campgrounds with up to 30 sites present a potential conflict with continued agricultural use of land. Visitor-serving operations of that size would tend to become the primary economic activity on a given parcel, because the income from that many units could easily outweigh the modest income that might derive from purely agricultural pursuits. Furthermore, the presence on any given parcel of 30 or more guests, on a daily basis, would tend to conflict with agricultural operations that typically involve odors, noises, and early working hours that could be disturbing to overnight guests. Over time, the presence of large numbers of guests could constrain agricultural operations.

In sum, the Commission finds that inns with more than 5 units or campgrounds of any size are incompatible with continued agricultural use, as provided for in the Coastal Plan. As submitted, the Coastal Zoning Ordinance is inconsistent with the Coastal Plan in this regard, and the Commission suggests **Modification #23** to delete the provision for campgrounds or inns with up to 30 sites or rooms from the LEA and DA zoning districts.

d) Golf courses and driving ranges on certain agricultural lands

Another issue is raised by the proposed inclusion in the LIA, LEA, and DA districts of golf courses and driving ranges, allowable with a Use Permit. Such uses would be allowable only if a number of requirements are met, such as that the golf facility must be located adjacent to or near a designated urban service boundary, reclaimed wastewater must be available to irrigate the course, the use cannot be conducted on lands subject to a

Williamson Act contract, and no restaurants, lodging, or retail sales may be allowed. With these requirements, the opportunities for creation of new golf facilities in the Sonoma County coastal zone would appear to be quite limited. For instance, there are only two areas designated as "Urban Service" areas (the Sea Ranch and Bodega Bay), and both of them have existing golf courses. Unless new Urban Service areas are created elsewhere in the coastal zone, the proposed Coastal Zoning Ordinance would thus allow new golf courses only next to or near these two communities. In any event, whether likely or not, golf courses would need to be allowed or encouraged by the Coastal Plan in order to be allowed by the Coastal Zoning Ordinance.

The Coastal Plan defines Visitor Serving Facilities to include "motels, restaurants, grocery stores, auto service stations, public restrooms" (p. 108). This definition does not include golf courses. Therefore, golf courses must be considered as recreational uses rather than visitor-serving uses.

General Recommendation #14 in the Private Recreation section of the Coastal Plan (p. 103) states: "Encourage the provision of private recreation facilities where appropriate" but this policy does not directly refer to golf facilities. Furthermore, the Coastal Plan does not specifically encourage the development of additional golf courses beyond the two already located there, at the Sea Ranch and Bodega Harbour Subdivision (both open to the public). Even if Recommendation #14 were interpreted to apply to golf courses, the question would remain whether golf courses are "appropriate" on lands designated for agricultural use.

In that regard, the Commission finds that golf courses are not appropriate, because they are not compatible with continued agricultural use. Golf courses typically require large amounts of land, thus potentially removing significant areas from potential agricultural production. Furthermore, land used for golf cannot simultaneously be used for the growing of crops or the keeping of livestock. In short, land devoted to golf courses is removed from agricultural use, and therefore cannot be found to be compatible with continued agricultural use. Even though the proposed Coastal Zoning Ordinance would include requirements that are designed to minimize the adverse impacts of a golf course, the fact remains that golf is not agriculture. Therefore, the Commission suggests **Modification #21** which would delete golf courses and driving ranges from the list of allowable uses in the LIA, LEA, and DA districts.

5) Residential Zoning Districts (Articles 9-12)

The proposed Coastal Plan provides four land use categories that are primarily intended for residential use: Rural Residential, Low Density Residential, Medium Density Residential, and Planned Community. Other land use categories, such as Agriculture and Timber lands, allow residential use, but their primary purpose is resource production. By contrast, the four residential land use categories are primarily intended for residential use.

The proposed Coastal Zoning Ordinance contains four zoning districts that would carry out the residential purpose of these land use categories. These zoning districts are: RR - Rural Residential, R1 – Low Density Residential, R2 – Medium Density Residential, and PC – Planned Community.

The densities of development proposed by the four zoning districts, and the minimum size for creation of new parcels, are consistent with those intended by the matching Coastal Plan land use designations, as indicated below (with the exception of the housing opportunity areas, which the Commission addresses through **Suggested Modifications #1-3 and 25**):

	Coastal Plan	Coastal Zoning Ordinance
Rural Residential	Very low density, from 1 to 20 acres per du	Between 1 and 20 acres per dwelling unit or as permitted by a "B" combining district, whichever is more restrictive; for new lots, minimum size 1.5 acres unless public water available in which case minimum lots size 1.0 acre
Low Density Residential	1 to 4 units per acre	1 to 6 du per acre or as permitted by "B" combining district, or up to 11 du per acre in Housing Opportunity area; for new lots, minimum size 6,000 sq. ft.
Medium Density Residential	5 to 8 units per acre	6 to 12 du per acre or as permitted by "B" combining district, or up to 24 du per acre in Housing Opportunity area; for new lots, minimum size 6,000 sq. ft.
Planned Community	A variety of residential densities is allowed; Coastal Plan text specifies the overall number of residential units allowed, for the two Planned Communities in the County (the Sea Ranch and Bodega Harbour Subdivision)	Density indicated by "B" combining district; for new lots, minimum size 6,000 sq. ft. or as indicated in a Precise Development Plan

As with the agricultural districts discussed above, the "B" combining district provides additional restrictions on residential density. For instance, the Timber Cove subdivision, which carries a RR -–Rural Residential zoning designation, also carries a "B7" combining district designation. The B7 designation means that the existing parcels are

"frozen" and may not be further divided. Many of the parcels are roughly one acre in size, and thus the existing density of one residential unit per one acre lot will be maintained by the Coastal Zoning Ordinance.

In sum, the provisions of the Coastal Zoning Ordinance together with the Coastal Zoning Maps are consistent with and adequate to carry out the residential density provisions of the Coastal Plan, if modified as suggested to address affordable housing issues (**Modifications #1-3 and 25)**.

6) Housing Issues

a) Affordable housing provisions

The proposed Coastal Zoning Ordinance contains provisions to carry out the revised affordable housing policies that the County proposes to include in the Coastal Plan (see Section IV.B.4. above). The Ordinance contains affordable housing requirements in several places, including:

- Section 26C-326 – Affordable Housing: Requirements for Long-term Affordability and Design and Construction,
- Section 26C-326.1 – Affordable Housing: Density Bonus,
- Section 26C-326.2 – Affordable Housing: Housing Opportunity Areas,
- Section 26C-326.3 – Affordable Housing: Deferral of Payment of Development Fees, and
- Various chapters for individual zoning districts.

These provisions of the Zoning Ordinance would require revision in numerous ways, in order to conform with the modifications suggested by the Commission to the Coastal Plan with respect to affordable housing (see **Suggested Modifications #1 through 3)**. To assure consistency between the Coastal Zoning Ordinance and the Coastal Plan with respect to housing issues, the Commission suggests **Modification #25** that would require changes to conform the Ordinance in all respects with the Coastal Plan housing policies. If modified as suggested, the Zoning Ordinance would be consistent with and adequate to carry out the housing policies of the Coastal Plan.

b) Second Units

The Coastal Plan, as proposed to be revised by the County, would allow construction of second residential units on parcels with a primary residential unit in certain circumstances (p. 130). Second units would be allowed in two situations: (1) on parcels measuring at least 6,000 square feet with both community water and sewer service, and (2) on parcels measuring at least 2 acres, whether with or without water or sewer service. The Coastal Zoning Ordinance implements this basic policy direction through Sec. 26C-325.1- Second Dwelling Units, as well as the provisions of the individual zoning districts.

Section 26C-325.1(b) lists a variety of requirements that must be met in order to allow a second unit. These requirements specify the maximum site coverage allowable for a

second unit; standards for scale, appearance, and character of a second unit; parking and road access requirements; and other factors. Furthermore, the revised Coastal Zoning Ordinance provides that other requirements of the Coastal Plan must be met (Sec. 26C-325.1(b)(8)). Those requirements include provisions, among numerous others, that establish standards for setbacks from wetlands and other sensitive resources. The only Coastal Plan requirements with which a second unit need not conform are the density provisions themselves, which the second unit provisions exceed by definition (that is, two residential structures are not ordinarily allowed on any given lot, except in specified circumstances).

One provision in Section 26C-325.1 (d) – Procedure for Second Unit Applications requires clarification. In several places in this section, the Coastal Zoning Ordinance refers to the possible need for a "coastal/use permit". In particular, subsection (2) states:

> When processing an application for a second dwelling unit which does not require a coastal/use permit, the following additional procedures shall be adhered to…

And subsection (3)(i) provides, in part:

> …The written notice which is mailed and posted shall state that the County intends to waive the requirement for a coastal/use permit and approve construction of a second dwelling unit…

These references suggest that certain second dwelling units do not require a coastal development permit, or that certain second dwelling units may be subject to waiver of a coastal development permit. On the contrary, new development requires a coastal permit, unless exempt or excluded, and the County's Coastal Zoning Ordinance does not provide a basis for either exemption or exclusion from coastal permit requirements for second residential units. The intent of these references to exemption of waiver of a "coastal/use permit" is apparently to convey that the use permit requirement, rather than the coastal permit requirement, for certain second units may be dispensed with or waived. To clarify this point and avoid misunderstanding, the Commission suggests **Modification #28** that would delete the references in Section 325.1 (d) to "coastal/use permit" and replace them with "use permit". As modified, the proposed Zoning Ordinance contains clear and specific requirements regarding second units that are both consistent with and adequate to carry out the coastal resource protection policies of the Coastal Plan.

One point regarding second residential units on agricultural parcels deserves note. The LEA and DA districts (although not the LIA district) would allow a second unit, for the purpose of providing non-agricultural affordable housing (Sec. 26C-31 (c)(13) and Sec. 26C-41 (c)(13)). These districts are applied to lands for which the Coastal Plan places a maximum of four residential units per parcel. Although a variety of residential units for agricultural workers would be allowed by the LEA and DA districts (as discussed above in Section VII.B.4.(a)(2) of this report), the potential for a second unit for affordable housing purposes does not create a problem of consistency with the Coastal Plan. The reason is that Section 26C-325.1 (b)(3) provides that a second unit shall not be located on a parcel upon which there is located more than one dwelling unit. Thus, an agricultural parcel with two, three, or four existing residential units, including the main residence plus units for agricultural workers or family members, would not be a

candidate for construction of an additional "second" unit. If, on the other hand, an agricultural parcel contained only a primary residence, then it would be a potential location for construction of a second unit, for affordable housing purposes. In either case, the total number of allowable residential units would remain below the maximum of four units that is established by the Coastal Plan.

7) Site Development and Erosion Control Standards (Article 38)

The existing Coastal Plan contains policies that seek to protect the quality of coastal waters. No change is proposed by the County in these policies. For instance, the Plan includes the following policies, under Environmental Resources Management Recommendations:

> 20. Prohibit discharge of wastewater into any wetland unless such discharge maintains or enhances the functional capacity of the wetland and maintains the quality of the receiving water. (p. 29)
>
> 49. Include in coastal permits erosion and sediment control measures for excavation, grading and construction operations. (Grassland-Coastal Prairie, p. 31)
>
> 52. Include erosion and sediment control measures in coastal permits. (Coastal Woodland, p. 31)

These and other policies in the Coastal Plan carry out the mandate to protect the biological productivity and the quality of coastal waters, streams, estuaries, and other water bodies contained in Section 30231 of the Coastal Act.

The primary method by which these Coastal Plan policies would be carried out is through application of Site Development and Erosion Control Standards that are contained in Article 38 of the proposed Coastal Zoning Ordinance. These standards are applicable to virtually all development.

Site Development and Erosion Control Standards are contained in the existing Coastal Zoning Ordinance certified by the Coastal Commission. However, the County proposes some revisions, as a part of this amendment request. The standards, as proposed to be revised, place a variety of requirements on new development that would act to protect the quality of coastal waters. For instance, the standards provide for retention of natural vegetation in riparian corridors and wetland buffers, design of projects so as to avoid erosion or sediment transport into wetlands, and compliance with requirements of the Regional Water Quality Control Board. Furthermore, the standards provide with respect to surface water runoff that provisions shall be made to control increased runoff through structural measures, use of sediment basins, and energy absorbing devices to reduce the velocity of runoff, among other measures. These measures are consistent with the policy direction of the Coastal Plan to control sediment and protect water quality.

The measures contained in the submitted Coastal Zoning Ordinance are not fully adequate to carry out the policy requirements of the Coastal Plan, however, because additional feasible measures to protect water quality are available. The Commission has

found in other instances that measures that go beyond the minimum feasible steps are necessary and appropriate to carry out water quality protection goals. For instance, feasible measures that are not proposed by Sonoma County in the Coastal Zoning Ordinance include use of the following:

- Porous pavement materials, where appropriate;
- Vegetated filter strips, grassed swales, pond systems, and/or infiltration systems;
- Soil stabilization practices on disturbed slopes;
- Increased setbacks from streams for water pollution hazards such as raised septic systems or concentrated animal feeding operations;
- Structural stormwater management practices such as detention basins or grassy swales, designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based management practices, and/or the 85th percentile, 1-hour runoff event, for flow-based management practices;
- Additional management measures for dairies and other animal facilities to address concentrated manure and liquid waste impacts; and
- Avoidance of land disturbing activities during the rainy season.

The Commission suggests **Modification #22** to include in the Coastal Zoning Ordinance these additional feasible measures to prevent erosion and protect water quality. This modification is contained in Attachment #8 to this report. As modified, the Coastal Zoning Ordinance is both consistent with and adequate to carry out the provisions of the Coastal Plan regarding protection of coastal water quality.

8) Visual Resources

The existing Coastal Zoning Ordinance contains the height limits for each zoning district, which are then modified by height limits contained in a separate section of the ordinance (Article 35 – CC Coastal Combining District). By contrast, the revised Coastal Zoning Ordinance contains height limits for new development in each article, for each separate zoning district. The revised Coastal Zoning Ordinance is clearer and easier to interpret, since all relevant height limits for any given zoning district can be found in one place.

The height limits specified for each zoning district in the revised Coastal Zoning Ordinance are consistent with those contained in the revised Coastal Plan. For instance, for the RR - Rural Residential district, the maximum height for residential structures is 16 feet, with a possible increase up to a maximum of 24 feet, if certain findings can be made (Sec. 26C-92 (c)(1) and (8)). These height limits are the same as those contained in the revised Coastal Plan. Thus, the proposed Coastal Zoning Ordinance is consistent with and adequate to carry out the Coastal Plan.

9) Telecommunication Devices

The proposed Coastal Zoning Ordinance (Sec. 26C-12) defines telecommunication facility as follows:

Telecommunication Facility. A facility that sends and/or receives electromagnetic signals, including antennas and towers to support receiving and/or transmitting devices along with accessory structures, and the land on which they are all situated.

Various types of telecommunication facilities are also defined by the ordinance:

Antenna. The transmitting and/or receiving device, including wires, rods, discs, or similar devices, that transmits or receives electromagnetic signals.

Antenna, vertical. A vertical type antenna with no horizontal components other than a small radial element at its base.

Attached Commercial Telecommunication Facility. A commercial telecommunication antenna which is affixed, fastened, or joined to a residence, business, or similar structure, other than another telecommunication facility, and which does not include a tower.

Co-located Telecommunication Facility. A telecommunication facility which is comprised of a single tower containing a combination of antennas owned or operated by more than one public or private entity.

Free-standing Commercial Telecommunication Facility. A telecommunication facility which is operated in whole or part for commercial purposes such as mobile radio services, cellular telephone services, tv and radio broadcast, personal communication services, but which is not affixed, fastened, or joined to a residence, business, or similar structure. A facility which includes an antenna(s) placed upon a tower which is attached to a structure is considered to be a Free-standing facility. Telecommunication facilities operated in whole or part by public agencies are included in this category. However, a telecommunication facility installed by a public utility for the sole purpose of monitoring and protecting its gas and electric facilities shall not be considered a telecommunication facility and shall be exempt from the telecommunication standards of this ordinance.

Major Facility: Such facility which involves a combination of towers and antennas greater than 130' in height.

Intermediate Facility: Such facility which involves a combination of towers and antennas greater than 40' and less than or equal to 130' in height.

Minor Facility: Such facility which involves a combination of towers and antennas less than or equal to 40' in height.

Multiple-user Telecommunication Facility. A telecommunication facility which is comprised of multiple towers containing a combination of antennas owned or operated by more than one public or private entity.

> **Non-Commercial Telecommunication Facility.** A telecommunication facility which is operated solely for personal use and not for commercial purposes.

The proposed Coastal Zoning Ordinance would allow various types of telecommunication facilities in the different zoning districts, subject to various levels of review, depending on the size and potential impacts of the facility. For instance, in the LIA – Land Intensive Agriculture district, the County proposes to allow as a permitted use, subject to site development and erosion control standards (i.e., no Use Permit required): Attached Commercial Telecommunication Facilities, Minor Free-standing Commercial Telecommunication Facilities, and Non-commercial Telecommunication Facilities, subject to applicable criteria contained in Section 26C-235.7 of the Ordinance.

The proposed Coastal Plan provides for protection of coastal views, presumably with the intent to regulate the placement of telecommunication devices or other developments that would interfere with such views. For instance, the plan's Visual Resources Recommendations include the following (p. 173):

1. Prevent development (including buildings, structures, fences, paved areas, signs, and landscaping) from obstructing views of the shoreline from coastal roads, vista points, recreation areas, and beaches.

2. Prohibit development which will significantly degrade the scenic qualities of major views and vista points.

These policies provide a basis for the regulation of telecommunication devices that have a potential to adverse affect visual resources.

Federal law and regulation distinguish among the following types of telecommunication devices:

- Amateur radio antennas,
- Satellite antennas smaller than 1 meter used to receive video programming which are placed on property where the viewer has a property interest (ownership or leasehold) and exclusive use or control of the area where the antenna will be installed,
- Satellite earth station antennas larger than 1 meter,
- Personal wireless services facilities.

The Definitions contained in the proposed Coastal Zoning Ordinance do not distinguish among these types of devices. Instead, the Ordinance regulates telecommunications devices based on size, appearance, and commercial versus non-commercial characteristics.

Nothing in the proposed Coastal Zoning Ordinance specifically precludes amateur radio communications. Telecommunication devices, as defined by the County, that may be used for amateur radio communication are subject, in some cases, to regulation under the ordinance involving the placement, screening, or height of such antennas, based on aesthetic or other considerations. Such regulation is not precluded by federal law and regulation.

The proposed Coastal Zoning Ordinance does not specifically address satellite antennas, whether smaller or larger than 1 meter in size, used for receiving video transmissions. The Ordinance does propose to allow as a "Principal Use" non-commercial telecommunication facilities less than 80 feet in height. This definition would appear to include satellite antennas. Such antennas would be allowed in various use districts, subject to the criteria of Section 26C-325.7, without a Use Permit or a Zoning Permit. If such an antenna constituted a "development" as defined by the Coastal Zoning Ordinance (using the same definition as the Coastal Act), then a coastal permit would appear to be required, even if no other permit were required.

The proposed Coastal Zoning Ordinance does not specifically address the provision of personal wireless services. Therefore, it does not prohibit such services, which would be prohibited by federal statute. In sum, the regulation of telecommunications devices proposed by the revised Coastal Zoning Ordinance would not be inconsistent with federal law or regulation.

Section 26C-235.7 of the Ordinance addresses one area that is restricted by federal statute, but does so in a way that would not be inconsistent with federal law. Section 26C-235.7 of the Ordinance addresses human exposure to Non-ionizing Electromagnetic Radiation (NIER), but does so by requiring persons who propose a telecommunication facility to provide evidence regarding how the facility would meet federal standards. The ordinance would require that an applicant for a facility:

- Provide evidence from the Federal Communications Commission (FCC) that the facility meets that agency's standards, or
- Provide evidence that the facility is excluded by the FCC from meeting such standards, or
- Provide an independent analysis shows that the facility will comply with the FCC standards.

Thus, the County does not propose to adopt its own, independent standards regarding electromagnetic radiation. In sum, the proposed Coastal Zoning Ordinance is consistent with and adequate to carry out the visual resources policies of the Coastal Plan.

10) Commercial Zoning Districts (Articles 13-15)

As proposed, the Coastal Zoning Ordinance for three commercial districts that are applied to a limited number of areas in the County's coastal zone, such as parts of Bodega Bay, Jenner, Duncans Mills, and Valley Ford. (CS – Rural Services, CT – Commercial Tourist, and C2 – Community Commercial). The CT district provides for various tourist commercial uses such as hotels, dining facilities, and retail shops. The CS and C2 districts also allow such uses, although a Use Permit is required for certain developments, such as hotels. The uses that are proposed in these districts are consistent with the Visitor Serving Facilities Recommendations contained in the Coastal Plan. For instance, Recommendation #1 and #2 (p. 113) provide:

> 1. Encourage the development and expansion of visitor serving and commercial facilities within urban service and rural community boundaries where coastal requirements, including water provision and waste disposal, can be met.

2. Limit new commercial development to areas within designated urban service and rural community boundaries except for the lowest intensity development (guest ranches and bed and breakfast accommodations).

The proposed Coastal Zoning Ordinance would carry out the intent of these policies by encouraging hotels, restaurants, and visitor-serving retail uses within designated urban centers, consistent with other policies of the Coastal Plan that address visual and other resources.

The Zoning Ordinance contains certain provisions that could act in a contrary manner, however, and that could be interpreted to limit visitor-serving facilities even in the areas where they are most appropriate. For instance, these three zoning districts contain a prohibition on advertising of dining facilities to patrons other than overnight guests (Sec. 26C-131 (c)(1)(e), for example). Such restrictions are appropriate in rural areas, outside the designated commercial centers in Sonoma County, where advertising of any sort should be of a limited scale. Within the urban centers, by contrast, a sign indicating a restaurant that is located within a hotel provides appropriate direction to coastal visitors.

Staff of Sonoma County states that the restrictions such as the one described above could be misleading and would be appropriately deleted from the Coastal Zoning Ordinance. Therefore, the Commission suggests **Modification #24** to delete inappropriate restrictions on visitor-serving uses in commercial zoning districts, as suggested by County staff. If modified as suggested, the Coastal Zoning Ordinance would be consistent with and adequate to carry out the visitor-serving commercial policies of the Coastal Plan.

11) Coastal Permit Procedures (Article 34)

The proposed Coastal Zoning Ordinance contains procedures for the review of coastal permit applications in Article 34 – Coastal Permit Regulations. The ordinance provides in Section 26C-340 that:

> A coastal permit is required for any development occurring in the Coastal Zone, except as provided for in Section 26C-341. Development undertaken pursuant to a Coastal Permit shall conform to the plans, specifications, terms or conditions approved in granting the permit.

The procedures that are proposed to be used are the same as those in the existing, certified Coastal Zoning Ordinance in most respects. The County proposes a couple of additions to the ordinance, consistent with the Coastal Act. One addition concerns emergency coastal permits. The existing Ordinance does not contain procedures for the County to issue coastal permits to address emergency situations. The proposed Ordinance would add this authority in Section 26C-341.2, and would define "emergency" as it is defined in the Coastal Act. The ordinance would provide for a "follow-up" coastal permit, consistent with Commission practice.

A second new addition to the proposed Coastal Zoning Ordinance is provision for the County to waive the requirement for a public hearing for certain minor development

projects, if public notice is provided and no hearing is subsequently requested. This provision is intended by the County to carry out Section 30624.9 of the Coastal Act that allows a waiver of a public hearing on a coastal permit for a minor development, if certain conditions are met. The proposed hearing waiver procedure reflects the definition of "minor development" that is contained in the Coastal Act, and the procedure is consistent with the procedures specified in the Act.

The Coastal Zoning Ordinance provides as follows regarding the need for government agencies to comply with coastal development permit requirements:

> Sec. 26C-5 Applicability of Chapter to Governmental Units.
>
> Provisions of this chapter shall apply to cities, special districts, and state or federal governments or any agency of such governmental units, to the extent legally permissible. The provisions of this Chapter shall not apply to public projects of the County of Sonoma.

This provision indicates that projects undertaken by the County itself would not require coastal development permit review. On the contrary, all projects that meet the definition of "development" contained in the Coastal Zoning Ordinance are subject to coastal development permit review, unless exempted or excluded in some way. Projects undertaken by the County, such as road construction, public park development, or flood control projects are typically not exempt or excluded from coastal permits. Therefore, Section 26C-5 should be revised to state that the Coastal Zoning Ordinance applies to County projects, as well as those of cities, special district, and state or federal governments, to the extent legally permissible. The Commission suggests **Modification #29** to accomplish this revision.

Finally, the Commission notes that the reference to "Section 26C-341" apparently should refer to "Section 26C-340.1" which contains a list of exemptions and categorical exclusions from coastal permit requirements. The Commission suggests **Modification #30** to correct this apparent error.

C. Coastal Administrative Manual

The Coastal Administrative Manual is an implementing measure for the Coastal Plan, supplementing the Coastal Zoning Ordinance as part of the Implementation Program component of Sonoma County's Local Coastal Program. It includes a description of the coastal permit review process, a copy of Categorical Exclusion Order E-81-5 that the Commission adopted in 1981, and information from the Commission's Statewide Interpretive Guidelines with respect to wetlands, geologic stability, and other matters.

The County proposes the following changes to the Manual:

- Minor technical corrections, such as those necessary to reflect the new proposed method of measuring structure height (measured above average grade rather than above highest grade);
- References to the emergency coastal permit process that is added to the Coastal Zoning Ordinance;

- Text regarding the visual resource policies, reflecting proposed amendments to the Coastal Plan regarding such resources;
- A revised Categorical Exclusion Order #E-81-5, to reflect the changes in visual resource policies. (The Exclusion order defines development as excluded from coastal permit requirement, in part, depending on how visually significant the development site is.)

The proposed changes are consistent with and adequate to carry out the proposed changes to the Coastal Plan and Coastal Zoning Ordinance, with two exceptions. One exception is the proposed changes to the Categorical Exclusion Order. Such orders may be adopted by the Commission pursuant to Section 30610(e) of the Coastal Act. A categorical exclusion order is subject to a review process by the Commission that is separate from and different than the Local Coastal Program review process. For instance, approval of a categorical exclusion order requires an affirmative vote of two-thirds of the appointed members of the Commission. Until such time as the Commission can act on the Sonoma County's request to amend Categorical Exclusion Order E-81-5, the existing Order remains in effect. The Commission therefore suggests **Modification #31** to add a provision to the Coastal Administrative Manual, indicating that the current version of the Order shall be effective until such time as it is amended by action of the Coastal Commission.

The second provision of the Manual for which the Commission suggests a modification is the list of Coastal Act Exemptions (p. 79). This list contains four exemptions from coastal permit requirements, which are consistent with the Coastal Act (Sec. 30610(g)). These exemptions were not previously listed in the Coastal Administrative Manual, and therefore their insertion in that document represents a revision that is proposed by the County at this time. Although listing the exemptions in this way does not create an issue, the references to the exemption that are proposed is not completely up to date. Therefore, the Commission suggests **Modification #32** in order to accurately describe the exemptions and to incorporate the proper reference to the Commission's regulations regarding them.